

ORDINANCE NO. 1045

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING AND RESTATING SECTION 17.40.210 OF THE LANCASTER MUNICIPAL CODE, MODIFYING OFF-PREMISES ADVERTISING SIGNS

WHEREAS, Section 17.40.210 (“Section 17.40.210”) of the Zoning Ordinance of the City of Lancaster (Lancaster Municipal Code (“LMC”), Title 17) establishes regulations governing the installation and operation of off-premises outdoor advertising signs within the City of Lancaster (“City”); and

WHEREAS, the City has determined that it is necessary to amend and restate Section 17.40.210 in its entirety to read as set forth in Exhibit “A” hereto (the “Amendment”); and

WHEREAS, on May 14, 2018, the City’s Planning Commission held a public hearing on the Amendment, notice of which was published and provided as required by law, and adopted Resolution No. 18-11 (the “Planning Commission Recommendation”) recommending the City Council approve the Amendment; and

WHEREAS, on June 26, 2018, the City Council held a public hearing on the Amendment pursuant to Section 65856 of the Government Code, notice of which was published and provided as required by law; and

WHEREAS, the City Council now desires to adopt the Amendment, and to amend and restate Section 17.40.210 in its entirety to read as set forth therein.

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

Section 1. The foregoing Recitals are true, correct and a substantive part of this Ordinance.

Section 2. The City Council has received, reviewed and hereby adopts the Planning Commission Recommendation. Consistent therewith, the City Council makes the following findings:

- (a) The Amendment is consistent with the City’s General Plan, including:
 - 1. Policy 17.1.6: Revise the zoning ordinance to conform with the General Plan text and map to address changing conditions with new concepts that will allow flexibility in application, as well as a pleasing and attractive built environment.
 - 2. Objective 19.1: Promote the long-term image and livability of Lancaster as a unique community with a strong sense of place through development and application of comprehensive community design guidelines.

3. Specific Action: 19.2.1 (a): Through the development review process, apply Community Design guidelines in a manner that would allow for the creation of visual identity and character in new growth areas, and the preservation of such in existing neighborhoods.
 4. Objective 19.3: Improve the City's visual identity by utilizing design standards that instill a sense of pride and well-being in the community.
 5. Policy 19.3.1: Promote high quality development by facilitating innovation in architecture/building design, site planning, streetscapes, and signage.
- (b) The Amendment will not result in an increase in either the number or total square-footage of off-premises advertising signage within the City.
 - (c) The Amendment will provide greater detail on the design and submission requirements for off-premises outdoor advertising signage.
 - (d) The Amendment will correct inconsistencies, provide director's review procedures and policy clarifications.
 - (e) The Amendment will not have a significant effect on the environment, because the proposed actions are within the scope of the Program Environmental Impact Report (SCH #2007111003) prepared for the Lancaster General Plan, and no further environmental review is required.
 - (f) The Planning Commission held a public hearing on the Amendment pursuant to Section 65854 of the Government Code, notice of which was published and provided as required by law, and thereafter adopted the Planning Commission Recommendation.
 - (g) The City Council held a public hearing on the Amendment pursuant to Section 65856 of the Government Code, notice of which was published and provided as required by law.

Section 3. Section 17.40.210 of the Lancaster Municipal Code is hereby amended and restated in its entirety to read as set forth in Exhibit "A" attached hereto.

Section 4. Any ordinance previously adopted by the City Council shall be and is hereby repealed if and to the extent inconsistent with this Ordinance, provided, however, that each such ordinance shall otherwise remain in full force and effect.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after adoption.

I, Britt Avrit, MMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 26th day of June, 2018, and placed upon its second reading and adoption at a regular meeting of the City Council on the 10th day of July, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, MMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss
CITY OF LANCASTER }

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 1045, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

EXHIBIT "A"

AMENDED AND RESTATED SECTION 17.40.210

17.40.210 - Off-premises outdoor advertising signs.

A. Purposes. The purposes of this section are as follows:

1. To preserve and improve the appearance of the City as a place to live, work, trade, do business and visit; protect the City from the blighting influence of excessive off-premises outdoor advertising signage; and thereby preserve and enhance the economic base of the City, and safeguard property values within the City;

To restrict off-premises outdoor advertising signs so as to avoid increasing the hazards to motorists and pedestrians caused by excessive distracting signage;
3. To precisely identify areas and/or zones where the installation of additional off-premises outdoor advertising signs should be prohibited due to the importance of such areas to the environmental and economic development goals and objectives of the City;
4. To provide for the relocation of existing legal off-premises outdoor advertising signs so as to minimize the adverse effects of such signs on the City's goals and objectives, in accordance with Section 5412 of the Business and Professions Code of the State of California;
5. To remove off-premises outdoor advertising signs from the residential areas of the City, in accordance with Section 5412 of the Business and Professions Code of the State of California;
6. To promote the general welfare and temperance of children and minors, and to intend to help reduce the illegal consumption and purchase of tobacco products by children and minors by limiting their exposure to the advertising of tobacco products on certain off-premises signs;
7. To promote the general welfare and temperance of children and minors, and to intend to help reduce the illegal consumption and purchase of alcoholic beverages by children and minors by limiting their exposure to the advertising of alcoholic beverages on certain off-premises signs;
8. To promote the general welfare and temperance of children and minors, and to intend to help reduce the illegal use or purchase of adult telephone messages by children and minors by limiting their exposure to the advertising of adult telephone messages on certain off-premises signs.

B. Definitions. As used in this section, the following words shall have the following respective meanings:

1. "Outdoor advertising sign" means a sign, display or device affixed to the ground or attached to or painted or posted onto any part of a building or similar permanent structure used for the display of an advertisement to the general public when viewed from outside of a building or similar enclosed area.

"Commercial advertisement" means any advertisement which has, as its primary purpose, the promotion of the sale of goods or services by a commercial business or enterprise to the public generally or any significant part thereof.

3. "Noncommercial advertisement" means any advertisement other than a commercial advertisement.
4. "On-premises advertisement" means any commercial advertisement which pertains solely to goods or services, which are produced or offered for sale on the premises where the advertisement is displayed.
5. "Off-premises advertisement" means any commercial advertisement other than an on-premises advertisement.
6. "Construct," when used with reference to a sign, means to install, erect or place on the ground or on a building or structure, or to affix, paint or post on or to a building or structure.
7. "Relocate," when used with reference to a sign, means to move a sign from one location to another, or to remove a sign from one location and construct a similar sign at another location.
8. "Maintenance" means any activity relative to repair, restoration or preservation of an existing sign, display or device intended to keep such sign, display or device in a state similar to that when originally installed or erected.
9. "Upgrade" means any activity intended to improve the design quality and aesthetic appeal of an existing sign, display or device by modifying structural elements of, or providing substantial cosmetic enhancements to, such sign, display or device, including the change of the sign from conventional copy to a digital advertising display.
10. "Tobacco product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco.
11. "Alcoholic beverage" means any beverage in liquid form that contains not less than one-half of one percent of alcohol by volume and is intended for human consumption.
12. "Adult Telephone Messages" means live or recorded telephone messages containing any harmful matter, as defined in Section 313 of the Penal Code of the state of California.
13. "School" includes any elementary or secondary school, public or private, attendance at which satisfies the compulsory education laws of the state of California.
14. "Public Park" means any park, playground or grounds under the control, direction or management of a public entity.
15. "Private Park" means any park, playground or ground under control, direction or management of a private entity.
16. "Church" means a development maintained and used exclusively for religious worship, including customary incidental education and social activities in conjunction therewith.

17. "Child care center" means a facility, other than a family day care home, in which less than twenty-four-hour-per-day nonmedical care and supervision is provided for children in a group setting as defined and licensed under the regulations of the state of California.
 18. "Youth center" means any designated indoor public, private or parochial facility, other than a private residence or a multiple dwelling unit, which contains programs which provide, on a regular basis, activities or services for persons who have not yet reached the age of eighteen (18) years, including, but not limited to, community-based programs, after-school programs, weekend programs, violence prevention programs, leadership development programs, vocational programs, substance abuse prevention programs, individual or group counseling, case management, remedial, tutorial, or other educational assistance or enrichment, music, art, dance, and other recreational or cultural activities, physical fitness activities and sports programs.
 19. "Digital Advertising Display" (DAD) means a display created by light-emitting diodes, liquid crystal displays, display panels, pixel or sub-pixel technology, or other similar means.
 20. "Residential Structure" means any building that includes a kitchen and at least one bedroom and bathroom that is being occupied and used as a dwelling unit at the time an application for relocation of a billboard is submitted to the City; and for which the City has on file a current and valid Certificate of Occupancy for the building as a residential occupancy classification.
- C. Application to Existing Signs. Any off-premises outdoor advertising sign which was constructed in conformance with the requirements of this title as they existed at the time of such construction, but which is not in conformance with the requirements of this section, shall be deemed a legal nonconforming use which must be maintained, and may be upgraded subject to the restrictions and limitations imposed on nonconforming uses by Chapter 17.32. Such signs may be compelled to be removed through eminent domain proceedings subject to the requirements and limitations imposed by Sections 5412 through 5412.4 of the Business and Professions Code of the state of California, the provisions of which, as they may from time to time be amended, are incorporated herein by this reference.
- D. Fees. The City Council may, by resolution, establish fees for any or all of the administrative processes established by this section.
- E. Director's Review. Relocations of and upgrades to off-premises commercial advertising signs are subject to a Director's Review as set forth in this section.
- F. Preclusions of New or Additional Signs. No new or additional off-premises outdoor advertising signs shall be constructed in any zone district or area of the City after the effective date of the ordinance codified in this title; provided, however, that upon a finding that the purpose(s) of this Section 17.40.210 would not be served by the application of this prohibition to a particular area within the City, the City Council may by resolution designate such area(s) as exempt from the provisions of this paragraph.
- G. Amortization in Residential Zones. No off-premises outdoor advertising sign shall be relocated into any residential zone. Such signs located in any residential zone as of

February 6, 1985, shall be removed in accordance with the following amortization schedule:

**Fair Market Value of Off-Premises
Commercial Advertising Sign
On February 6, 1985**

Before Removal	Years Allowed
Under \$1,999	2
\$2,000 to \$3,999	3
\$4,000 to \$5,999	4
\$6,000 to \$7,999	5
\$8,000 to \$9,999	6
\$10,000 and over	7

H. Other Location Restrictions. An off-premises commercial advertising sign may be relocated or upgraded provided that:

1. It is relocated no closer than five hundred (500) feet to a previously constructed off-premises commercial advertising sign located on the same or opposite side of the same street; or

It is relocated no closer than two hundred (200) feet to any a residential structure, school, church or similar place of worship, historical building, cemetery or similar place of interment, private park.

I. Size Restrictions. No off-premises commercial advertising sign shall be relocated or upgraded unless it complies with the following restrictions:

1. The sign shall not exceed thirty-two (32) feet in height from ground level.

The total area of a single sign face shall not exceed three hundred (300) square feet. The total area of a double-faced sign shall not exceed six hundred (600) square feet.

3. The size and height restrictions listed in this section may be modified for a digital advertising display relocation or upgrade as provided in Section 17.40.210.R. The height restrictions for a relocation or upgrade of a conventional advertising display may be modified as provided in Section 17.40210.R.2.

J. Visual and Maintenance Standards. No off-premises outdoor advertising sign shall be relocated or upgraded unless it complies with the following requirements.

1. The message copy area of the relocated or upgraded sign may be no larger than the message copy area of the original sign or the size restrictions established in Section 17.40.210.I, whichever is less, unless modified pursuant to Section 17.40.210.I.3.

Such sign may be relocated to a new site only if the sign at the new site complies with all setback and yard requirements of the underlying land use zone.

3. Such sign may be relocated to a new site only if the sign at the new site is built with no more than one supporting post.
4. The sign structure shall be architecturally treated so as to screen the frame, support structures and lighting from public view. A combination of landscaping and other decorative materials can be used to comply with this section. The color and materials of this architectural treatment shall be in conformance with the architectural plan approved pursuant to Section 17.40.210 K and Section 17.40.210.L and shall be subject to further design review, as may be determined by the Development Services Director
5. Utility lines providing electrical power to a relocated sign shall be underground.
6. The sign shall be continuously maintained in an attractive, clean and safe condition.
7. Digital advertising displays shall comply with the visual standards contained in Section 17.40.210.R.

K. Director's Review Procedures. Relocation of or upgrade to off-premises outdoor advertising signs is subject to a Director's Review that shall be conducted upon the Development Services Department's receipt of a complete application, which shall, at a minimum, include the following:

1. Elevations. Fully dimensioned and scaled colored elevations of each view (indicating direction as north, east, south, west) of the proposed sign, including height;
Site plan. A site plan on which the proposed sign is to be relocated, disclosing the location of the sign in relation to other improvements on the site as well as adjacent properties;
3. Context aerial map. An aerial map stating the distances between the proposed sign the nearest off-premises commercial advertising sign, residential structure, school, church or similar place of worship, historical building, cemetery or similar place of interment, and private park;
4. Visual simulations. Visual simulations showing photographs of existing sign and photo simulations of proposed sign;
5. A description of the proposed architectural treatment of the sign structure, disclosing proposed colors and materials.
6. Such other information as the Development Services Department deems appropriate to determine compliance with the provisions of this section.

- L. Determination of Director's Review. The Development Services Director shall review each application filed under Section 17.40.210.K and shall make a decision thereon. If the proposed sign complies with this title and all other requirements of the law, and if the colors and materials of the architectural treatment required by Section 17.40.210.J of this section are attractive and suitable for the purpose of providing the required screening, the permit shall be issued based upon application as submitted. If the proposed sign can be brought into such compliance by modifications in the proposal, the permit shall be issued subject to conditions requiring such modifications. Otherwise, the application shall be denied.
- M. Appeal Procedures. An appeal may be filed in accordance with Section 17.32.820. Such appeal shall be filed with the City clerk in accordance with Section 17.36.030.
- N. Relocation Agreements. An off-premises outdoor advertising sign may be relocated within or to the C, LI, or HI zones provided an agreement for such relocation between the sign owner and the City is approved by the Development Services Director. The Development Services Director may approve such relocation agreement if the sign will, upon its relocation, comply with the requirements of this section and if, the relocation will promote the purposes of this section. The relocation agreement shall contain such terms and conditions pertaining to the relocation and maintenance of the sign as are consistent with this section and mutually agreeable to the parties thereto.
- O. Prohibition.
 - 1. Tobacco Advertising Prohibited in Certain Areas of the City. No person shall place or cause to be placed any advertisement for cigarettes or other tobacco products on any off-premises outdoor advertising sign within two hundred (200) feet of a residential zone, or within one thousand (1,000) feet of the premises of any school, park, youth center, child care center or church.

Alcoholic Beverage Advertising Prohibited in Certain Areas of the City. No person shall place or cause to be placed any advertisement for alcoholic beverages on any off-premises outdoor advertising sign within two hundred (200) feet of a residential zone, or within one thousand (1,000) feet of the premises of any school, park, youth center, child care center or church. This prohibition shall not apply to outdoor advertising signs located on property adjacent to, and designed to be viewed primarily by, persons traveling on a freeway.
 - 3. Advertising Adult Telephone Message Prohibited in Certain Areas of the City. No person shall place or cause to be placed any advertisement for live or recorded telephone messages containing harmful matter, as defined in Section 313 of the Penal Code, on any off-premises outdoor advertising sign within two hundred (200) feet of a residential zone, or within one thousand (1,000) feet of the premises of any school, park, youth center, child care center, or church.
- P. Digital Advertising Displays (DAD). The installation of a DAD is permissible in conjunction with the upgrade or relocation of an off-premises outdoor advertising sign subject to the following requirements:
 - 1. Modification of Sign Face Size Requirements. Generally, a DAD shall be subject to the same sign face size restrictions as contained in Section 17.40.210.I. However, given the unique characteristics of DAD's, an applicant may request a modification to the maximum sign face size restrictions under the following conditions:

- a. The applicant demonstrates, to the satisfaction of the Development Services director, that the larger size is necessary to provide a readable DAD in a cost-effective manner; and
- b. The maximum sign area for a single-face DAD is six hundred seventy-five (675) square feet, or for a double-face sign is a total of one thousand three hundred fifty (1,350) square feet (see Section 17.40.210.P.1.d. below); and
- c. The applicant agrees to remove, or has already removed and agrees to permanently surrender rights to, off-premise outdoor advertising signage with the City that is equal to or greater in square-footage than the excess amount requested beyond the limits established by Section 17.40.210.I.2. Such signage shall be specifically identified in either the relocation agreement required under Section 17.40.210.N or a separate binding agreement between the City and the applicant.
- d. The maximum size face area listed in Section 17.40.210.P.1.b. is also allowable for a static display sign face that is the opposite face of a DAD, provided that it is no larger than the DAD.

Modification of Height Requirements. Generally, a DAD shall be subject to the same height restrictions as contained in Section 17.40.210.I. Height restrictions may be modified for a DAD upgrade immediately adjacent to the freeway if the applicant demonstrates that compliance with the 32-foot height limit would impair visibility for a portion of the sign face. Increased height shall only be permitted to the extent necessary to allow reasonable view of the sign face.

3. No DAD shall depict or simulate any motion or video (e.g. video clips, flashing, etc.)
4. The DAD may be programmed to allow changeable messages, provided that any image shall be displayed for a minimum of six seconds, and transitions between slides shall not exceed one second.
5. Each DAD shall include a photometric sensor that will adjust the intensity of the sign for daytime and nighttime viewing. The nighttime intensity shall be limited to 0.3-foot candles (over ambient levels) as measured at a preset distance as established by the Lewin Report as prepared for the Outdoor Advertising Association of America (OAAA). The City may modify or further restrict the intensity of any DAD display should the lighting create a distraction to drivers or an adverse effect on nearby residential property.
6. The City may, as part of an upgrade or relocation that results in the installation of a DAD, require that time be available for the posting of public announcements on the DAD, subject to space availability.