

ORDINANCE NO. 950

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, MODIFYING SECTION 17.40.210 OF THE LANCASTER MUNICIPAL CODE TO ESTABLISH REQUIREMENTS FOR THE INSTALLATION AND OPERATION OF DIGITAL ADVERTISING DISPLAYS FOR OFF-PREMISES ADVERTISING

WHEREAS, the City Council of the City of Lancaster believes that there is a need for additional regulations related to the installation and operation of digital advertising displays (DAD's) for off-premises advertising signage; and

WHEREAS, notice of intention to consider this proposed ordinance has been give in accordance with the Lancaster Municipal Code and Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of the ordinance; and

WHEREAS, the Planning Commission has held a public hearing on this proposed ordinance on July 19, 2010, and recommended approval of this ordinance

WHEREAS, the City Council hereby finds that the proposed ordinance to implement these requirements will not result in any environmental impacts beyond those disclosed in the final environmental impact report prepared for the City of Lancaster General Plan 2030, and further finds that, pursuant to Section 15162 of the State CEQA Guidelines, no further environmental review is required; and

WHEREAS, the City Council hereby adopts the following findings in support of this ordinance revision:

1. There is a need for establishing design and operational standards for digital advertising displays for off-premises advertising signage to ensure that they do not create adverse effects on adjacent uses or for motorists; and
2. Use of digital advertising display technology for off-premises advertising signage can be an enhancement to the City as a whole, provided that sufficient standards are established to regulate daytime/nighttime illumination, prohibit movement, flashing, and other animation that may distract motorists, and allow for reasonable height and size requirements that balance the need for visibility with overall City aesthetic concerns; and,
3. The ordinance would not result in an increase in either the number or total square footage of off-premises advertising signage within the City;

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Delete existing Section 17.40.210 of Title 17 of the City of Lancaster Municipal Code (Zoning Ordinance).

Section 2. Replace modified Section 17.40.210 as provided in "Exhibit A".

Section 3. That the City Clerk shall certify to the passage of this Ordinance, and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, 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 10<sup>th</sup> day of August, 2010, and placed upon its second reading and adoption at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

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GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

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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. 950, for which the original is on file in my office.

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

(seal)

**“EXHIBIT A”**

**Article IV  
SIGNS**

**SECTION 17.40.210 - Off-premises Outdoor Advertising Signs**

**A. Findings.** The City Council finds and determines as follows:

1. Excessive commercial advertising signage within the City creates an unsightly appearance and has a blighting influence which is detrimental to the economic base of the City and to property values within the City.
2. Excessive distracting signage increases the hazards to motorists and pedestrians on the public right-of-way.
3. Commercial signs which identify or advertise goods, services or businesses which are sold or provided on the premises on which the sign is located serve a public purpose in assisting the public to locate desired goods, services or business and are a necessary incidental use of business property, whereas off-premises commercial advertising is a business in itself which does not serve that public interest. Therefore, off-premises outdoor advertising signs may be legitimately and reasonably subjected to different and more restrictive regulations than on-premises commercial advertising signs.
4. Billboards are installed and maintained primarily for the purpose of carrying commercial advertisements and may be legitimately and reasonably regulated as off-premises outdoor advertising signs unless devoted exclusively to carrying noncommercial advertisements.
5. Commercial advertising signs are not compatible with areas devoted primarily to residential uses.
6. The City has adopted a general plan, 5 redevelopment plans, and statements of goals and objectives which demonstrate a serious and comprehensive effort to promote the economic development of its commercial and industrial areas. A major part of this effort is concerned with the removal, limitation or mitigation of those factors which contribute to an unattractive environment in the commercial and industrial areas, one of which is the presence of off-premises outdoor advertising signs. Areas having special importance to the economic development of the City can be generally identified by reference to the general plan and the redevelopment plans.
7. Regulating tobacco products advertising on certain signs is a reasonable and necessary means to protect and promote the general welfare of the children and minors of the City exposed to certain signs advertising tobacco products.

8. Regulating alcoholic beverage advertising on certain signs is a reasonable and necessary means to protect and promote the general welfare of the children and minors of the City exposed to certain signs advertising alcoholic beverages.
9. Regulating adult telephone messages advertising on certain signs is a reasonable and necessary means to protect and promote the general welfare of the children and minors of the City exposed to certain signs advertising adult telephone messages.
10. Digital Advertising Displays (DAD's) are a legitimate medium for off-premise outdoor advertising. However, because of the nature of DAD's, they have the potential to create adverse effects on adjacent property, and distraction hazards to motorists and pedestrians unless properly regulated.

**B. 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;
2. 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.

**C. 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.
2. "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. "Park" means any park, playground or grounds under the control, direction or management of a public entity.
15. "Church" means a development maintained and used exclusively for religious worship, including customary incidental education and social activities in conjunction therewith.
16. "Child care center" means a facility, other than a family day care home, in which less than 24-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.
17. "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 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.
18. "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.

**D. 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.

**E. Fees.** The City Council may, by resolution, establish fees for any or all of the administrative processes established by this section.

**F. Permit Requirement.** No off-premises commercial advertising sign shall be relocated or upgraded without a permit for such sign issued in accordance with this section.

**G. 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.

**H. 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

TABLE INSET:

| 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             |

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

1. It is relocated no closer than 660 feet to a freeway right-of-way; or
2. It is relocated no closer than a radius of 650 feet to a previously constructed off-premises commercial advertising sign located on the same or opposite side of the same street; or
3. It is relocated no closer than 200 feet to any premises zoned for residential purposes, or containing a school, church or similar place of worship, historical site or building, cemetery or similar place of interment, public or private park or outdoor recreational facility; or



4. It is no further than 2 miles radius from its original location. In the case of public agency action which requires the relocation of an outdoor advertising sign(s), the Planning Director determines that no comparable site(s) exist within the 2-mile radius where the outdoor advertising sign(s) can be relocated in compliance with the requirements of this title, the Planning Director may authorize a relocation site(s) outside of this radius. In making this determination, the Planning Director shall only authorize the nearest comparable site(s) which comply(ies) with all other requirements of this title.

**J. 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 32 feet in height from ground level.
2. The total area of a single sign face shall not exceed 300 square feet. The total area of a double-faced sign shall not exceed 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 17.40.210.R.2.

**K. 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.J, whichever is less, unless modified pursuant to Section 17.40.210.J.3.
2. 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. The color and materials of this architectural treatment shall be in conformance with the architectural plan approved pursuant to subsections L and M of this section.
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.

**L. Permit Procedures.** Applications for permits to relocate or upgrade off-premises outdoor advertising signs shall be filed with the Planning Department on such forms as may be provided by that department and shall contain or be accompanied by the following information:

1. An elevation of the proposed sign, disclosing overall dimensions;
2. A plan of the site 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. A description of the proposed architectural treatment of the sign structure, disclosing proposed colors and materials.
4. Such other information as the Planning Department deems appropriate to determine compliance with the provisions of this section.

**M. Determination by Planning Department.** The Planning Department shall review each application for a permit filed under subsection L of this section 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 subsection K 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.

**N. Appeal Procedures.** If the applicant is aggrieved by any determination of the Planning Department with respect to the architectural treatment required for the sign, he may file an appeal within 10 working days of such determination pursuant to Section 17.36.030.

**O. Relocation Agreements.** An off-premises outdoor advertising sign may be relocated within or into the C, LI, or HI zones provided an agreement for such relocation between the sign owner and the City is approved by the Planning Director. The Planning Director may approve such relocation agreement if the sign will, upon its relocation, comply with the requirements of this section and if, in the opinion of the Planning Director 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.

**P. Requests for Consideration of Relocation Agreements.** The owner of any off-premises outdoor advertising sign may request an agreement for the relocation of the sign by submitting such request to the Planning Department. The Planning Department, as a condition to responding to the request, may require such information from the sign owner as is reasonably necessary to determine whether the sign will or can be made to conform to the requirements of this section at the location to which it is proposed to be relocated. If the Planning Department determines such compliance is not possible, it shall so notify the sign owner and need not take any further action on the request. If the Planning Department determines such compliance is possible, it shall cooperate with the sign owner in the preparation of a mutually agreeable draft relocation agreement.

**Q. 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 200 feet of a residential zone, or within 1,000 feet of the premises of any school, park, youth center, child care center or church.
2. 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 200 feet of a residential zone, or within 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 200 feet of a residential zone, or within 1,000 feet of the premises of any school, park, youth center, child care center, or church.

**R. 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.J. 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 Planning 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 675 square feet, or for a double-face sign is a total of 1,350 square feet (see Section 17.40.210.R.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.J.2. Such signage shall be specifically identified in either the relocation agreement required under Section 17.40.210.0 or a separate binding agreement between the City and the applicant.

- d. The maximum size face area listed in Section 17.40.210.R.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.
2. **Modification of Height Requirements.** Generally, a DAD shall be subject to the same height restrictions as contained in Section 17.40.210.J. 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 6 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.

(Ord. 757 § 1 (Exh. A), 1999; Ord. 756 § 1 (Exh. A), 1999; Ord. 755 § 1 (Exh. A), 1999; Ord. 668 § 1, 1994; prior zoning ord. §§ 707.6-- 707.6.16)