

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, APPROVING ZONE ORDINANCE AMENDMENT NO. 15-001, AMENDING CHAPTER 9.62 (SIGNS) TO ADD REGULATIONS AND DEVELOPMENT STANDARDS FOR THE CONSTRUCTION OF BILLBOARDS WITH DIGITAL DISPLAY OR CHANGEABLE COPY.

WHEREAS, Chapter 9.62 of the Code establishes requirements for the installation of signs within the City of Cathedral City; and

WHEREAS, the City proposes to amend Chapter 9.62 (Signs) of the zoning ordinance establishing development standards for billboards with digital display or changeable copy and has initiated Zone Ordinance Amendment 15-001 (“ZOA 15-001”) for that purpose; and

WHEREAS, the City, acting as Lead Agency, has determined that ZOA 15-001 will not have a significant impact on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations; and

WHEREAS, following a duly noticed public hearing on October 21, 2015, the Cathedral City Planning Commission recommended that the City Council approve ZOA 15-001 and determined that ZOA 15-001 is exempt from further CEQA review associated CEQA Exemption.

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

Section 1. RECITALS

The above recitals are true and correct and are incorporated into this Resolution by this reference.

Section 2. AMENDMENT OF SECTIONS 9.62.020 (SIGN DEFINITIONS) AND 9.62.070 (SPECIAL SIGN PROVISIONS) OF CHAPTER 9.62 (SIGNS) OF THE CATHEDRAL CITY MUNICIPAL CODE

Cathedral City Municipal Code Section 9.62.020 shall be amended to read as follows:

9.62.020 Sign definitions.

“Abandoned sign” means any sign or display which has been abandoned for a period of ninety days or more, or which pertains to a time, use, event, purpose or business which no longer exists.

“Abatement” means the elimination and removal of any sign in violation of this chapter.

“Advertise,” “advertising” or “advertisement” refers to any message, communication or expression identifying a business or development, announcing the availability of a product, merchandise or service, making claims as to the value or quality of any product, merchandise or service or otherwise attracting attention to or promoting (either directly or indirectly) any product, merchandise or service.

“A-frame sign” means a temporary sign with two faces that are hinged together to create an ‘A’ or triangle shaped device. A-frames are usually portable and are also referred to as ‘sandwich boards.’

“Amortization,” as pertaining to this chapter, means the gradual extinction of nonconforming signs.

“Awning” means a nonstructural covering attached to a building or supported by freestanding posts for the purposes of giving shade to pedestrians or windows and door openings. Awnings are generally made of canvas or other cloth material.

“Awning, canopy or marquee sign” means a sign that is printed on, painted on, or attached to an awning, canopy or marquee.

“Banner or flag sign” means a sign composed of light weight material either enclosed or not enclosed in a rigid frame. Any cloth, bunting, plastic, paper, or similar material attached to or pinned on or extending out from any structure, staff, pole, line, framing or vehicle, including captive balloons and inflatable signs.

“Billboard or Outdoor Advertising Display” means advertising structures and signs used for outdoor advertising purposes, not including on-site advertising structures and signs as defined in this Chapter. ~~a permanent structure sign used for the display of offsite commercial messages, commonly called outdoor advertising.~~

“Building,” for purposes of this chapter, includes any structure requiring a building permit.

“Building face and/or frontage” means the horizontal distance of the general outer surface of the single front building elevation in which the primary entrance to the business is located. If more than one business is located in any single building, then such length shall be limited to that portion which is occupied by each individual business. In computing allowable area of a wall sign for a structure, the building face or frontage shall not include appurtenant, accessory or secondary structures, and shall not include structures that are not enclosed such as carports or breezeways.

“Canopy” means a roof-like structure extending from part or all of a building face and constructed as a permanent part of the building, either attached or freestanding, that is capable of allowing vehicles to freely pass under.

“Changeable copy sign” means a sign designed to allow the changing of lettering, messages or other information through manual, mechanical, or electrical means including time and temperature. Changeable copy signs may have multiple messages that are individually displayed at common intervals, such as a traditional movie theatre marquee sign **or billboard.**

“City planner” means the supervisor of the planning department staff or his or her designee.

“Co-tenant or multiple-tenant” refers to a tenant in a structure that contains more than one business adjoined by a common wall or roofline on the same site. For the purposes of this chapter, a co-tenant also refers to a tenant of a commercial landlord that leases or otherwise makes space available within a primary business for a secondary or ancillary business or service requiring additional or separate signage.

“Digital Display Sign” means an outdoor advertising display using Light Emitting Diodes (L.E.D.) or similar technology to display static images controlled by electronic communications.

“Directional sign” means signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” or “exit.”

“Directory sign” means a sign listing the tenants or occupants and their suite numbers in a building, center, subdivision or planned unit development.

“Double faced sign” means a single structure designed with the intent of providing copy on both sides.

“Downtown area” means the MXC zoned portion of the downtown commercial (DTC) area as designated in the general plan.

“Eave line” means the top of a parapet wall or the lowest point of a pitched roof, including mansard style roofs. Where a parapet wall is combined with a mansard roof, the eave line shall be the top of the parapet.

“Face or wall of a building” means the outer surface of any main exterior wall or foundation of a building, including windows and storefronts.

“Freestanding sign” means a sign supported by one or more uprights, braces, poles or similar components placed upon or into the ground and detached from any building.

“Freeway-oriented sign” means a sign within a specified distance of the freeway (Interstate 10).

“Frontage” means the length of the horizontal distance of a site parallel and adjacent to a street or other public thoroughfare, but not including such length along an alley or railroad.

“Height of sign,” unless otherwise indicated, means the greatest vertical distance from the existing planned grade of the top of the curb or street frontage to the highest element of a sign. For sloped elevations, the height shall be measured from the midpoint of the sign and shall be applicable to the whole sign.

“Identification sign” means a sign that identifies the name, nature, logo, trademark, symbol or insignia, address, or any combination of the name, symbol and address of a building, business, project, development or establishment.

“Illuminated sign” means a sign with an artificial source of light for the purpose of illuminating the sign.

“Master sign program” means a coordinated plan for signage for an individual building or group of buildings approved pursuant to the provisions of this chapter. The master sign program will identify the placement and size of all signs, as well as the materials and method of illumination to provide consistency among signs and compatibility with the architecture of the building(s).

“Monument sign” means a low-profile independent structure supported on grade at the bottom of the sign with the appearance of having a solid base set in a landscaped area and incorporates the materials and architectural theme of the building(s) on the same property. Unless a different height limit is stated, a monument sign shall not exceed seven feet in height.

“Multi-tenanted building” means a building containing more than one individual business within a shopping, professional or industrial complex.

“Neon sign” means any sign containing neon or other inert gaseous chemical that provides a visible discharge or that glows.

“Nonresidential” refers to property not improved with or zoned for a single- or multiple-family residence.

“Off-site sign” means a sign or sign structure of any kind or character which advertises products, merchandise, activity or service not available on or at the premises upon which the sign is located. Bus benches with advertising are not included within this definition. For purposes of this chapter, the onsite/offsite distinction applies only to commercial messages; all signs with noncommercial messages shall be deemed to be onsite, regardless of location.

“On-site sign” means any commercial sign which advertises products, merchandise, activity or service available on or at the premises upon which the sign is located. For purposes of this chapter, the onsite/offsite distinction applies only to commercial messages; all signs with noncommercial messages shall be deemed to be onsite, regardless of location.

“Person” means any individual, firm, partnership, corporation or other entity.

“Pole sign” means a form of freestanding sign that is supported by a single post that is less than one-half the overall sign width; excluding directional signs, billboards and freeway-oriented signs.

“Portable sign” means a sign that is not permanently affixed to a structure or the ground.

“Pylon sign” means a sign face that is elevated by one or two structural supports that is architecturally integrated with the design of the primary structure on the property excluding pole signs, directional signs, billboards and freeway-oriented signs.

“Residential” refers to property improved with or zoned for single- or multiple-family residence(s).

“Roof line” means the upper edge of any building wall or parapet exclusive of any sign tower for any flat roof structure, or a line halfway between the eave line and the ridge line of the roof, exclusive of any sign tower, of any gable-roof structure.

“Roof sign” means a sign erected, constructed, or placed upon or over the eave or roof of any building or, in the case of a flat roof structure, one that extends over or above the roof line, or any sign affixed to the wall or a building so that it projects above the eave line of a roof; and which sign is wholly or partially supported by the building; but not including a sign on a mansard roof, portico or canopy if said mansard roof, portico or canopy is architecturally integrated with the building.

“Shopping center” means a group of at least five businesses, within a building or buildings, on a minimum five acre site which functions as an integral unit where common vehicular access to the street and common on-site parking facilities are provided.

“Sight triangle” means a triangular-shaped portion of land established at street intersections or at the intersection of a street and driveway in which no permanent structures are placed and where no vegetation or other obstructions are allowed between thirty inches above grade and fifteen feet above grade to preserve the sight distance of motorists entering or leaving the intersection. For the purposes of this chapter, the sight triangle is defined as twenty-five feet from the property line parallel to the street and intersecting street or driveway.

“Sign,” in addition to its common meaning, means any mark or painted character on any object, structure, device, figure, statuary, painting, display message, placard, or other contrivance, or any part thereof, visible from outside of a structure. The word “sign” also includes any graphic announcement, declaration, demonstration, display, illustration, or insignia when the same is

placed in view of the general public. For purposes of this chapter, at all times that a sign is being held by an individual, it shall be exempt from this chapter.

“Sign area” means the entire copy face of the sign. The following methods will be used to compute the area of sign copy:

1. The area of a sign is to be computed by multiplying the total height by the total length of all sign faces, including framework on the sign face but excluding the base. Computation of the sign area shall enclose the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The sign area shall include a colored or textured background that is different than the fascia on which it is placed. It shall also include the perimeter trim on the sign face of a cabinet sign. If the sign is composed solely of individual channel-type letters mounted on a surface, the area shall be measured by outlining the extreme limits of writing and enclosed by no more than eight lines.

2. In the case of a sign designed with more than one exterior surface, the area shall be computed as including only the maximum single display surface that is visible from any ground position at one time. The area of a freestanding sign which has three or more faces shall be computed by adding the areas of each face of the sign.

3. The area of a freestanding sign that is an object or statuary shall be computed by the appropriate mathematical equation for determining the total surface of an object.

4. The supports, uprights, or structure on which any such sign is supported shall not be included in determining the sign area unless such supports, uprights, or structures are designed in such a manner as to form an integral background of the display.

“Sign face” means the surface or that portion of a sign that is visible from a single point as a flat surface or a plane and considered as such together with the frame and the background.

“Temporary sign” means a sign used solely for the purpose of advertising an event occurring on a specific date, or otherwise advertising a commercial use, which sign is displayed for ninety cumulative days or less within any twelve-month period.

“Tri-vision Sign” means a changeable message billboard with vertical louvers for graphic applications.

“Vehicle sign” means a sign which is attached to, painted on, placed upon or suspended from a vehicle or trailer, either operable or inoperable, which is subject to state licensing before it can legally operate on public roads and

highways. This shall not include bumper stickers or the permanent finish on the body of the vehicle.

“Wall sign” means a sign attached to, painted on or erected on the exterior wall of the building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall of the building and not extending above the eave line.

“Window sign” means a sign that is applied, affixed or attached to a window or located in such a manner that it can be seen from the exterior of the structure.

To the extent that any term of legal or other professional art appearing in this chapter has not been defined in this section or elsewhere in this code, that term shall be understood to have the meaning and construction customarily applicable in such profession as of the time of the adoption of this chapter. Unless otherwise defined herein, or unless a term of legal or professional art, all terms shall be construed according to their plain English signification.

The rule of the common law, that statutes in derogation thereof are to be strictly construed, shall have no application to this chapter, which shall be liberally construed to accomplish its ends, saving where the Constitution or laws of the United States or the state of California shall require otherwise.

Cathedral City Municipal Code Section 9.62.070 shall be amended to read as follows:

9.62.070 Special sign provisions.

A. Billboard Signs.

1. **New Billboards.** No person shall erect or retain a billboard within the city except in accordance with this section.

a. **Maximum Number.** No more than twenty-three billboards are permitted on land under the jurisdiction of the city, not including the land controlled by the Agua Caliente Band of Cahuilla Indians.

b. **Survey.** A survey shall be conducted that provides a photograph of each billboard, the location of each billboard, the owner of the billboard, and whether the billboard is on Tribal land. The locations and maximum number of billboards permitted within the city shall be as defined in the survey.

c. North City. A total of five billboards may be erected on land under the jurisdiction of the City located north of Interstate 10, not including the land controlled by the Agua Caliente Band of Cahuilla

Indians, in accordance with the maximum number permitted under Section 9.62.070(A)(1)(a) of this chapter and subject to the issuance of a conditional use permit by the planning commission in accordance with the criteria, standards and procedures set forth in this chapter and Chapter 9.72 of this code.

d. **Location. New billboards shall only be erected on nonresidential zoned land and shall not be erected within five hundred feet of residentially zoned property.**

e. **Spacing. Billboards shall be located a minimum of five hundred lineal feet from another billboard on the same side of the street. In no case shall a billboard be within two hundred feet of another billboard measured in any direction. Billboards located adjacent to Interstate 10 shall have a minimum spacing of one thousand feet from any other billboard on the same side of Interstate 10.**

2. Replacement Billboards. If an existing billboard is permitted to be replaced pursuant to this chapter, the replacement display and its foundation shall be located in the same ~~exact location~~ **or as close as reasonable to the same location** upon the same parcel of property, ~~where the existing foundation was laid and the existing display was constructed,~~ and the replacement display shall be constructed in strict conformity with the following standards.

a. Height. Billboards shall not exceed a height of thirty feet above the road bed of the adjacent interstate or street or a maximum overall height of thirty feet above grade on which it is constructed, whichever is greater. The lowest portion of the billboard shall not be less than sixteen feet above the roadbed of the adjacent interstate or street, whichever is greater;

b. Number of Faces. **Static** Billboards shall have a maximum of two faces. Back-to-back and V-type billboards are allowed, providing they are on the same structure and provided that the V-type billboard has a separation between faces of not more than twenty feet at one end;

c. Face Size. Billboards placed adjacent to Interstate 10 shall have a maximum sign face of seven hundred square feet, each face. Billboards placed on all other streets shall have a maximum sign face area of four hundred square feet, inclusive of extensions;

d. Poles. Billboards are allowed a maximum of one structural support pole (monopole). For the purposes of this chapter, billboards are not considered a pole sign. The pole width shall not exceed the minimum necessary to structurally support the display;

e. Lighting and Illumination. Billboards **without digital displays** may be illuminated provided that no source of illumination is visible beyond the display face. Displays making use of lights to convey the effect of movement or flashing intermittent or variable intensity shall not be permitted;

f. Tri-vision Billboards. Tri-vision billboards are allowed when located within five hundred feet of a signalized intersection. The dwell time for each display must remain stationary for at least a period of ten seconds. Turn time from one display to the next shall be within two seconds;

g. Display of Movement. Billboards shall not move, rotate, flash or display any moving and/or rotating parts. No propellers, flags or other noise creating devices and no architectural embellishments, which utilize mechanical or natural forces of motion, shall be permitted.

h. Setbacks. Billboards shall not be erected within an established setback or within a public right-of-way or future public right-of-way. The display edge shall be setback a minimum of two feet from the property line and the structural pole shall be setback a minimum of ten feet from the property line;

i. Placement. In no case shall a billboard obstruct reasonable sight lines for streets, sidewalks or driveways. No billboard shall be placed in a sight triangle;

j. Identification. Billboards shall have securely fastened to each face of the display and clearly visible from the public right-of-way, the name of the company responsible for maintaining the billboard;

k. Billboards on Improved Land. Billboards on improved land shall be integrated into the existing development and shall include landscaping, consistent with the existing development, around the base of the billboard;

l. Application. Alterations or replacement of a billboard shall require a sign permit application **subject to the approval of the Community Development Director or his or her Designee;** and,

m. Billboards on Tribal Land. Billboards on Tribal land shall conform to Ordinance No. 13, as amended, of the Agua Caliente Band of Cahuilla Indians, entitled "Tribal Ordinance Controlling Outdoor Advertising Displays."

3. Billboards with Digital Display or Changeable Copy.

a. Permit Required. A billboard with a digital display or changeable copy shall only be permitted subject to the issuance of a conditional use permit by the planning commission in accordance with the criteria, standards and procedures set forth in this chapter and Chapter 9.72 of this code.

b. Lighting and Illumination of Displays. Each message displayed must be static and depicted for a minimum duration of six seconds. Transition time between shall be no longer than two seconds. Brightness of the display must adjust automatically so that the images are not unreasonably bright during periods of reduced ambient light levels. Lighting levels shall not be more than 0.3 foot candles over ambient light

levels as measured using a foot candle meter at the following preset distances: 150 feet for 12'x25' displays, 200 feet for 10'6"x36' displays and 250 feet for 14'x48' displays. Animated images, images that give the appearance of movement, or changes in illumination intensity during the static display period are prohibited.

c. Location: The minimum distance shall be one thousand feet measured between billboards from any direction.

Section 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4. ENVIRONMENTAL FINDINGS

The City Council finds that adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14 California Code of Regulations section 15061, subsection (b)(3), because there is nothing in this chapter or its implementation that could foreseeably have any impact on the environment.

Section 5. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 6. AMENDING OF BAIL SCHEDULE

The City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 7. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after its second reading by the City Council.

Section 8. CITY ATTORNEY REVIEW

The City Attorney prepared and framed this ordinance pursuant to Section 1.04.010 of the Municipal Code and finds that the City Council has the authority to adopt this ordinance, that the ordinance is constitutionally valid and that the ordinance is consistent with the general powers and purposes of the City as set forth in Section 1.04.031 of the Municipal Code.

Section 9. EXECUTION AND CERTIFICATION

The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2015 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Stan Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM:

Charles R. Green, City Attorney