

PLANNING AND BUILDING
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

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February 11, 2002

City Council
Sacramento, California

Honorable Members in Session

SUBJECT: An Ordinance Amending Title 15.148 of the Sacramento City Code
Relating to Relocation of Existing Non-Conforming Offsite Signs (M02-
002)

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION: The Law and Legislation Committee and staff recommend that the City
Council approve the attached City Code amendment related to offsite sign
relocation.

CONTACT PERSON: Joy Patterson, Senior Planner, 264-5607

FOR COUNCIL MEETING OF: February 26, 2002

SUMMARY:

The proposed amendment to the Sacramento City Code would allow for the relocation of existing non-conforming offsite signs, typically billboards, with a relocation agreement approved by the City Council. The Law and Legislation Committee requested that staff review a relocation ordinance adopted by the City of Roseville and bring forward an ordinance to the committee for their review. The committee reviewed the proposed ordinance in January and recommended that the ordinance allowing for the relocation of non-conforming offsite signs be forwarded to City Council for approval.

Sacramento City Council
City Code Amendment Relating to Relocation of Non-Conforming Offsite Signs

COMMITTEE ACTION:

On January 15, 2002 the proposed ordinance was heard by the Law and Legislation Committee. After hearing public testimony and discussion by the committee, the committee requested that staff make some modifications to the wording in the proposed ordinance relating to the property owner's consent or indemnity, and relocated signs within 660 feet of the freeway; and add a finding indicating that the relocated sign would be compatible with uses in the surrounding area, including parks, trails and other public facilities and amenities. The committee, by a vote of 4 ayes, voted to recommend approval of the City Code amendment and forward to City Council. The attached ordinance reflects the changes recommended by the committee.

BACKGROUND:

Current Offsite Sign Regulations

An offsite sign is defined in the Sacramento City Code as a sign that is not located on the premises of the business or entity indicated or advertised by the sign. The most common type of offsite sign is a billboard, although the definition also includes poster panels, painted bulletins and other similar advertising displays.

In the City of Sacramento, a new offsite sign is permitted in the Heavy Commercial (C-4), Light Industrial (M-1) or Heavy Industrial (M-2) zones, if it meets the following criteria:

1. Is a detached sign;
2. Is not located nearer than 500 feet to any other offsite sign on the same side of the street;
3. Does not exceed 300 square feet in area (approximately a 12' x 25' billboard);
4. Does not exceed 35 feet in height;
5. Is not permitted in the area bounded by Interstate 5, H Street, 17th Street and Q Street;
6. Must maintain the same front and street sideyard setbacks as are required for a building on the parcel;
7. May not be located on heavy commercial/industrially zoned property if the property is used entirely for residential purposes;
8. May not be located on a parcel where the offsite sign faces the front or side yard of a lot in a residential zone or used for residential purposes and is within 300 feet of the lot;
9. May not be located on a parcel lying between two residential buildings where the buildings are less than 300 feet apart.

The only other zone which permits the limited placement of offsite signs is the General Commercial (C-2) zone. The current regulations pertaining to offsite signs were adopted in 1981 and generally prohibit new offsite signs in the C-2 zone. Existing signs in the C-2 zone established prior to October 1981,

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however, are allowed to remain. A new sign is permitted in the C-2 zone only if it replaces a “replaceable” offsite sign on the C-2 roster. The new sign must also meet the criteria listed above. The height limit in the C-2 zone is 30 feet.

In addition, there are restrictions on offsite signs within 660 feet of a freeway. The City Code indicates that no new or additional offsite signs shall be erected, nor any existing offsite signs shall be altered or relocated within 660 feet of a freeway if the copy of the sign is or would be visible by persons traveling on the freeway.

The state Outdoor Advertising Act (Business and Professions Code Sec. 5200 et seq), enacted to implement the Federal Highway Beautification Act (23 U.S.C. Sec. 131) regulates a broad range of offsite and onsite advertising displays, including offsite signs adjacent to interstate and primary highways and landscaped freeways. The current sign regulations of the City of Sacramento are generally more restrictive than the state Outdoor Advertising Act. These regulations prohibit signage located within 660 feet of any freeway; they also restrict offsite signage to 300 square feet.

Besides the offsite signs located in the C-2 zone, there are several other existing legal non-conforming signs in the city of Sacramento which were in existence prior to 1981. Most of the pre-existing billboards that are non-conforming have that designation as they exceed the 300 square foot size limit.

Proposed City of Sacramento Relocation Ordinance

In researching offsite sign relocations agreements, staff found that few California jurisdictions had such agreements. The Roseville Ordinance had the fewest standards relating to relocation. San Jose and Oakland have relocation agreement provisions which placed restrictions on items such as size of the sign, number of signs, and proof of acceptance from the property owners.

The proposed ordinance is based in part on the City of Roseville relocation ordinance, but includes procedural requirements as well as certain minimum or maximum standards, all designed to be consistent with due process and other constitutional requirements as well as to effectuate existing City policy. The proposed amendments would allow for the removal and relocation of existing, non-conforming offsite signs to new and different locations, or the expansion, modification or replacement of existing signage, subject to compliance with certain specified standards and requirements.

Anyone interested in pursuing a relocation agreement would file an application that would be noticed and heard by the Planning Commission with the final decision on the relocation agreement made by the City Council.

Signs approved for relocation pursuant to a relocation agreement are to comply with all requirements for offsite signs, except as provided below:

1. The maximum size of the sign shall not exceed 700 square feet (approximately a 14' x 48' billboard);
2. The minimum distance between signs in 250 feet unless prohibited by the Outdoor Advertising Act (currently the distance is 500 feet);

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3. Offsite signs are allowed in the C-4, M-1 and M-1 zones and lawfully existing non-conforming offsite signs in other zones may be expanded, altered or replaced in the same location, subject to compliance with specified standards;
4. The relocation agreement results in the overall reduction and square footage of offsite signs in the City;
5. The relocated offsite sign shall comply with the requirements of the state Outdoor Advertising Act.

If a sign is approved by the City Council for relocation, the existing non-conforming offsite sign must be removed before the sign authorized by the relocation agreement can be installed.

FINANCIAL CONSIDERATIONS:

Few sign relocation requests are projected. The additional costs to process these applications will be offset by revenue generated from hourly rate charges applied to the hours spent processing. There should be no General Fund impact from this proposal this fiscal year and no negative impact is anticipated in future years.

ENVIRONMENTAL CONSIDERATION:

This project is exempt from environmental review pursuant to Sate EIR Guidelines (California Environmental Quality Act, Section 15061 (b) (1)).

POLICY CONSIDERATIONS:

As noted above, the Roseville Ordinance is brief and requires that each sign relocation is negotiated on a case by case basis. Staff finds that while a relocation ordinance may be beneficial to rid the City of Sacramento of existing offsite signs in undesirable locations or to reduce the overall number of offsite signs in the City, it is recommended that standards and safeguards be included in the ordinance. The proposed ordinance requires that new signs installed under the relocation agreements follow many of the provisions of the existing code, but it also allows for larger signs (maximum 700 square feet), a reduced distance between offsite signs (250 feet) unless prohibited by the Outdoor Advertising Act, and limited relocation of signs in non-industrial zones. The proposed ordinance also recommends that the City Planning Commission review the proposal prior to council action, as the Planning Commission typically reviews signs that deviate from existing signs regulations. The findings included in the proposed ordinance also insure that the relocation agreement will be consistent with City policies and regulations.

Sacramento City Council
City Code Amendment Relating to Relocation of Non-Conforming Offsite Signs

ESBD CONSIDERATIONS:


There is no requirement for the purchase of goods or services associated with this item.

Respectfully submitted,



GARY L. STONEHOUSE
Planning Director

RECOMMENDATION APPROVED:



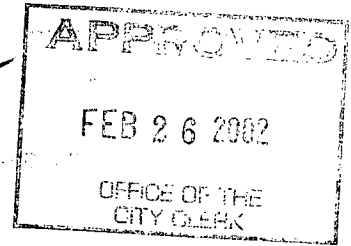
ROBERT P. THOMAS
City Manager

Attachment: Ordinance amending the City Code Relating to Relocation of Existing Non-Conforming Offsite Signs

ORDINANCE NO. 2002 - 005

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____



AN ORDINANCE ADDING SECTION 15.148.815 TO CHAPTER 15.148 OF TITLE 15 OF THE CITY CODE TO PROVIDE FOR THE RELOCATION OF EXISTING NONCONFORMING OFF-SITE SIGNAGE PURSUANT TO RELOCATION AGREEMENTS AS AUTHORIZED BY BUSINESS AND PROFESSIONS CODE SECTION 5412. (M02-002)

Section 1.

Section 15.148.815 is added to Chapter 15.148 of Title 15 of the City Code to read as follows:

Section 15.148.815: Relocation of Offsite Signs Pursuant to Relocation Agreements

- A. Purpose:** The purpose of relocation agreements approved pursuant to this Section is to allow for the removal and relocation of existing, nonconforming, offsite signs to new and different locations, and to enable the substitute of offsite signs meeting modern standards for such existing, nonconforming, offsite signs. For purposes of this Section, relocation includes the removal of existing nonconforming, offsite signage and the construction of new replacement offsite signage or alteration of existing offsite signage, subject to compliance with the requirements of this Section.
- B. Offsite Signs pursuant to Relocation Agreement:** Notwithstanding provisions of this Chapter to the contrary, a new or relocated offsite sign that does not comply with all of the requirements of this Chapter may be allowed pursuant to a relocation agreement approved by the City Council pursuant to this Section, subject to the requirements and procedures set forth below.
- C. Applicability:** Any legal, nonconforming offsite sign may be considered as a

FOR CITY CLERK USE ONLY

ORDINANCE NO: _____

DATE ADOPTED: _____

candidate for relocation pursuant to a relocation agreement as provided in this section. Such offsite signs may be relocated to a new site or relocated on the present site only in accordance with this section.

D. Procedure: Relocation agreements shall be approved by the City Council. Applications for relocation agreements shall be noticed and heard before the Planning Commission and City Council in the same manner as applications for City Council approved special permits are noticed and heard pursuant to Section 17.212.060 of the City Code.

E. Application-Property Owner's Consent or Indemnity: To the extent the applicant is not the owner of the property on which the nonconforming, offsite sign proposed for relocation is located, or is not the owner of the property to which the nonconforming, offsite sign will be relocated, the applicant shall, either at the time of application, either provide documentation of the consent of the owner(s) to the application or, agree to indemnify the City against any and all claims from owner(s) concerning the processing and approval, should approval occur, of the relocation agreement application.

F. Requirements for Relocated Offsite Signs: The offsite sign(s) approved for relocation pursuant to a relocation agreement under this section shall comply with the requirements of this chapter for offsite signs, except as specifically provided below:

- 1) size: The maximum size of an individual offsite sign relocated pursuant to a relocation agreement shall not exceed seven hundred (700) square feet;
- 2) distance between offsite signs: Except as prohibited by the California Outdoor Advertising Act, and notwithstanding Sec. 15.148.160-B, offsite signs may be located at or greater than two hundred and fifty feet (250') from another offsite sign on the same side of the street; and to the extent an offsite sign is located on one street but is oriented to be viewed from another street, no such sign shall be located nearer than two hundred and fifty feet (250') to any other offsite sign on the same side of the street on which it is located or any other offsite sign located on the nearest side of the street to which said sign is oriented;
- 3) zoning: Relocated offsite signs shall be allowed in the C-4, M-1 and M-2

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ORDINANCE NO. _____

DATE ADOPTED: _____

zones; provided that lawfully existing, nonconforming offsite signs located in other zones may be altered, modified or replaced in the same location pursuant to a relocation agreement, provided that all of the other provisions of this Section are satisfied.

- 4) reduction in number of signs and square footage: No relocation agreement shall be approved unless the relocation agreement results in: i) a net reduction in the number of offsite signs lawfully permitted; and ii) a net reduction in the total square footage of offsite signage lawfully permitted.
- 5) signs within 660 feet of a freeway: Notwithstanding Section 15.148.850, a relocation agreement may be approved even though it would result in the relocation of a sign or signs to a location within six hundred and sixty feet (660') of a freeway where the copy of such offsite sign would be visible by persons traveling on that freeway.
- 6) consistency with Outdoor Advertising Act: In addition to the other requirements set forth above, the relocated offsite sign shall comply with the requirements of the Outdoor Advertising Act, California Business and Professions Code Secs. 5200 et seq., including but not limited to the restrictions on size, height, proximity to interstate and primary highways and landscaped freeways and other regulations set forth in Article 7 (Business and Professions Code Secs. 5400-5419) and Article 8 (Business and Professions Code Secs. 5440-5443.5). To the extent of any conflict between the provisions of this Section and the provisions of the Outdoor Advertising Act, the Outdoor Advertising Act shall prevail.

G. Findings: A relocation agreement may be approved if the Council makes the following findings concerning the signage proposed for relocation pursuant to the relocation agreement;

- 1) the relocated signage complies with the purpose and requirements of this Section and this Chapter;
- 2) the relocated signage is compatible with the uses and structures on the site and in the surrounding area, including parks, trails and other public facilities and amenities;
- 3) the relocated signage will not interfere with onsite access, circulation or visibility;

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DATE ADOPTED: _____

- 4) the relocated signage will not create a traffic or safety hazard;
- 5) the relocated signage will not result in any undue or significant increase in visual clutter in the area surrounding the new site;

H. Removal of Existing Offsite Sign: The offsite sign(s) approved for relocation must be removed from the original site(s) prior to construction or installation of the offsite sign(s) authorized by the relocation agreement.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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ORDINANCE NO. _____

DATE ADOPTED: _____



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PLANNING AND BUILDING
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2998

PLANNING
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FAX 916-264-5328

PASSED FOR
PUBLICATION
& CONTINUED
TO _____

February 5, 2002

CONTINUED
FROM 02-19-02
TO 02-26-02

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: AN ORDINANCE ADDING SECTION 15.148.815 TO CHAPTER 15.148 OF TITLE 15 OF THE CITY CODE TO PROVIDE FOR THE RELOCATION OF EXISTING NONCONFORMING OFF-SITE SIGNAGE PURSUANT TO RELOCATION AGREEMENTS AS AUTHORIZED BY BUSINESS AND PROFESSIONS CODE SECTION 5412. (M02-002)

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION: It is recommended that the item be passed for publication of title and continued to February 26, 2002.

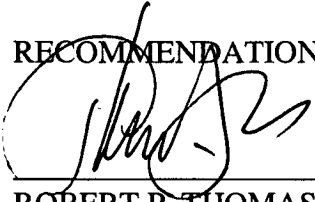
CONTACT PERSON: Joy Patterson, Senior Planner, 264-5607

FOR COUNCIL MEETING OF: February 19, 2002

BACKGROUND INFORMATION:

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32. Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Respectfully submitted,



GARYL. STONEHOUSE
Planning Director

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING SECTION 15.148.815 TO CHAPTER 15.148 OF TITLE 15 OF THE CITY CODE TO PROVIDE FOR THE RELOCATION OF EXISTING NONCONFORMING OFF-SITE SIGNAGE PURSUANT TO RELOCATION AGREEMENTS AS AUTHORIZED BY BUSINESS AND PROFESSIONS CODE SECTION 5412. (M02-002)

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- B. Offsite Signs pursuant to Relocation Agreement:** Notwithstanding provisions of this Chapter to the contrary, a new or relocated offsite sign that does not comply with all of the requirements of this Chapter may be allowed pursuant to a relocation agreement approved by the City Council pursuant to this Section, subject to the requirements and procedures set forth below.

- C. Applicability:** Any legal, nonconforming offsite sign may be considered as a

- 1 -

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

candidate for relocation pursuant to a relocation agreement as provided in this section. Such offsite signs may be relocated to a new site or relocated on the present site only in accordance with this section.

- D. **Procedure:** Relocation agreements shall be approved by the City Council. Applications for relocation agreements shall be noticed and heard before the Planning Commission and City Council in the same manner as applications for City Council approved special permits are noticed and heard pursuant to Section 17.212.060 of the City Code.
- E. **Application-Property Owner's Consent or Indemnity:** To the extent the applicant is not the owner of the property on which the nonconforming, offsite sign proposed for relocation is located, or is not the owner of the property to which the nonconforming, offsite sign will be relocated, the applicant shall, either at the time of application, either provide documentation of the consent of the owner(s) to the application or, agree to indemnify the City against any and all claims from owner(s) concerning the processing and approval, should approval occur, of the relocation agreement application.
- F. **Requirements for Relocated Offsite Signs:** The offsite sign(s) approved for relocation pursuant to a relocation agreement under this section shall comply with the requirements of this chapter for offsite signs, except as specifically provided below:
- 1) size: The maximum size of an individual offsite sign relocated pursuant to a relocation agreement shall not exceed seven hundred (700) square feet;
 - 2) distance between offsite signs: Except as prohibited by the California Outdoor Advertising Act, and notwithstanding Sec. 15.148.160-B, offsite signs may be located at or greater than two hundred and fifty feet (250') from another offsite sign on the same side of the street; and to the extent an offsite sign is located on one street but is oriented to be viewed from another street, no such sign shall be located nearer than two hundred and fifty feet (250') to any other offsite sign on the same side of the street on which it is located or any other offsite sign located on the nearest side of the street to which said sign is oriented;
 - 3) zoning: Relocated offsite signs shall be allowed in the C-4, M-1 and M-2

FOR CITY CLERK USE ONLY

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DATE ADOPTED: _____

zones; provided that lawfully existing, nonconforming offsite signs located in other zones may be altered, modified or replaced in the same location pursuant to a relocation agreement, provided that all of the other provisions of this Section are satisfied.

- 4) reduction in number of signs and square footage: No relocation agreement shall be approved unless the relocation agreement results in: i) a net reduction in the number of offsite signs lawfully permitted; and ii) a net reduction in the total square footage of offsite signage lawfully permitted.
- 5) signs within 660 feet of a freeway: Notwithstanding Section 2.148.850, a relocation agreement may be approved even though it would result in the relocation of a sign or signs to a location within six hundred and sixty feet (660') of a freeway where the copy of such offsite sign would be visible by persons traveling on that freeway.
- 6) consistency with Outdoor Advertising Act: In addition to the other requirements set forth above, the relocated offsite sign shall comply with the requirements of the Outdoor Advertising Act, California Business and Professions Code Secs. 5200 et seq., including but not limited to the restrictions on size, height, proximity to interstate and primary highways and landscaped freeways and other regulations set forth in Article 7 (Business and Professions Code Secs. 5400-5419) and Article 8 (Business and Professions Code Secs. 5440-5443.5). To the extent of any conflict between the provisions of this Section and the provisions of the Outdoor Advertising Act, the Outdoor Advertising Act shall prevail.

G. Findings: A relocation agreement may be approved if the Council makes the following findings concerning the signage proposed for relocation pursuant to the relocation agreement;

- 1) the relocated signage complies with the purpose and requirements of this Section and this Chapter;
- 2) the relocated signage is compatible with the uses and structures on the site and in the surrounding area, including parks, trails and other public facilities and amenities;
- 3) the relocated signage will not interfere with onsite access, circulation or visibility;

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DATE ADOPTED: _____

- 4) the relocated signage will not create a traffic or safety hazard;
- 5) the relocated signage will not result in any undue or significant increase in visual clutter in the area surrounding the new site;

H. Removal of Existing Offsite Sign: The offsite sign(s) approved for relocation must be removed from the original site(s) prior to construction or installation of the offsite sign(s) authorized by the relocation agreement.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

I:\realsigns\15.148 Relocation Ord 010802

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ORDINANCE NO. _____

DATE ADOPTED: _____