

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING PORTIONS OF CHAPTER 18.102 OF THE RIALTO MUNICIPAL CODE RELATED TO OFF-SITE ADVERTISING STRUCTURES (“BILLBOARDS”) AND RELOCATION AGREEMENTS.

WHEREAS, pursuant to the California Outdoor Advertising Act (California Business & Professions Code Section 5200, *et seq.*), the City of Rialto has adopted certain regulations concerning off-site advertising structures (“Billboards”) as part of the City’s Zoning Code under Chapter 18.102 of the Rialto Municipal Code; and

WHEREAS, the California Outdoor Advertising Act encourages local governments and Billboard owners to enter into relocation agreements to allow local entities to continue development in a planned manner without expenditure of public funds, while allowing the continued maintenance of private investment and a medium of public communication; and

WHEREAS, Section 5412 of the Business & Professions Code specifically authorizes cities to enter into relocation agreements on whatever terms are agreeable to the Billboard owner and the City, and to adopt ordinances or resolutions providing for relocation of Billboards; and

WHEREAS, the City desires to amend Chapter 18.102 of the Rialto Municipal Code to authorize the relocation of certain Billboards, pursuant to the California Outdoor Advertising Act, to mutually agreeable locations and zones within the City in an overall effort to reduce visual clutter, approve the aesthetic appearance of the City, provide for economic opportunity for private investment of the local business community, and generate revenue for the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO FINDS AND ORDAINS AS FOLLOWS:

SECTION 1. The above recitals set forth above are all true and correct and incorporated herein.

SECTION 2. Paragraph J of Section 18.102.060 of the Rialto Municipal Code is hereby amended to read in full as follows (deletions in ~~striketrough~~ and additions in ***bold & italic***):

“J. Permitted Signs—Off-Site Advertising Structures (Billboards).

Except as permitted pursuant to a relocation agreement as defined in Section 18.102.080, off-site advertising structures are permitted only within the C-3 and C-M commercial zones and the M-1 and M-2 manufacturing zones subject to the following provisions:

1. Maximum sign area shall not exceed three hundred square feet per display face, with a maximum of two display faces parallel to one another allowed per sign structure.
2. Maximum overall height of the sign structure shall not exceed twenty-five feet above grade.
3. Sign structures shall be set back a minimum of five feet from the public right-of-way.
4. No sign structure shall be placed less than one thousand feet from another existing off-site advertising (billboard) sign structure, measured in a straight-line distance.
5. No sign structure shall be located so that its side edge is less than one hundred feet, or its front face or back face is less than five hundred feet from any residential zoning district.
6. No sign structure shall be placed within five hundred feet from any property used as a public park, school, cemetery or church, regardless of the zoning district.
7. No sign structure shall be located within five hundred feet from the centerline of any freeway or parkway, as defined in the Streets and Highways Code of the state of California.
8. All signs shall be built on steel beams with a maximum of two beams permitted for ground support per sign structure."

SECTION 3. Section 18.102.080 of the Rialto Municipal Code is hereby is added to read in full as follows (deletions in ~~strike through~~ and additions in ***bold & italic***):

"18.102.080 - Off-Site Advertising Structure Pursuant to Relocation Agreement.

The City recognizes that California Business and Professions Code Section 5412 encourages cities to enter into relocation agreements, and to adopt ordinances or resolutions providing for relocation of billboards. Thus, the intent of this section is to reduce visual clutter; eliminate non-conforming signage; facilitate the relocation and redistribution of existing outdoor advertising displays to more appropriate locations within the City to better serve the advertising needs of the local business community; to allow for incorporation of modern technology into relocated outdoor advertising displays in the form of digital outdoor advertising displays; and to eliminate the need for the City to pay compensation for removal of existing outdoor advertising displays to accommodate a public project.

A. Content. Each Relocation Agreement shall contain, at a minimum, the following information:

- 1. Identification of the location of the relocated off-site advertising structure(s) and, if removal of further off-site advertising structure sign area is required, off-site advertising structure(s) being permanently removed; and***
- 2. Conceptual design drawings for the off-site advertising structure(s), including, but not limited to, sign area and dimensions, materials, and colors.***

B. Review Process. All Relocation Agreements shall be reviewed and approved by the City Council. The following findings must be made by the City Council in order to approve a Relocation Agreement:

1. *The proposed agreement is consistent with the goals, objectives, and purposes of the City of Rialto.*
 2. *The proposed relocation site is compatible with the uses and structures on the site and in the surrounding area.*
 3. *The proposed Relocation Agreement either: contributes to the reduction of visual clutter in the City by one of the following methods:*
 - a. *Decreasing the number of existing off-site advertising structures;*
 - b. *Reducing the total advertising square footage within the City;*
 - c. *Promoting activities of City-wide benefit and interest or generates significant revenue for the City; or,*
 - d. *In the case of relocations to accommodate a public project, the agreement serves the public interest by eliminating the need for public fund expenditure.*
 4. *The proposed off-site advertising structure would not create a traffic or safety problem with regard to onsite access circulation or visibility.*
 5. *The proposed off-site advertising structure would not interfere with onsite parking or landscaping required by City ordinance or permit.*
 6. *The proposed off-site advertising structure would not otherwise result in a threat to the general health, safety and welfare of City residents.*
- C. *Status of Existing Off-site Advertising Structure. Only off-site advertising structures that comply with the City's municipal code or that are legal non-conforming outdoor advertising displays as of the date of adoption of this Section are eligible to be relocated pursuant to a Relocation Agreement.*
- D. *Placement of Relocated Off-site Advertising Structure. Relocated off-site advertising structures may be located in zoning districts as determined on a case by case basis through the permitting process.*
- E. *Permits Required. Subsequent to the approval of a Relocation Agreement by the City Council, the off-site advertising structure and/or property owner shall file an application for a Sign Permit to relocate or reconstruct the off-site advertising sign structures as authorized by the Relocation Agreement, pursuant to the provisions of Section 18.102.040.*
- F. *Non-Conforming Off-site Advertising Structure. Any non-conforming outdoor advertising display relocated or reconstructed pursuant to an approved Relocation Agreement shall no longer be considered non-conforming for purposes of this Code."*

SECTION 4. Pursuant to Section 15378(b)(5) of the California Environmental Quality Act (CEQA), this Ordinance is an organizational or administrative activity of the City that will not result in direct or indirect physical changes in the environment, and therefore not a project. Additionally,

1 pursuant to CEQA Guidelines Section 15061(b)(3), this Ordinance is exempt from CEQA review
2 because there is no possibility that the Ordinance may have a significant effect on the environment.

3 Furthermore, as the Ordinance is an administrative procedure related to uses, facilities, and
4 regulations identified in the Rialto Municipal Code and General Plan, and given that the proposed
5 Ordinance is not related to a specific project, the Ordinance (i) by virtue of the location of affected
6 improvements, will not impact a sensitive environmental resource of hazardous or critical concern; (ii)
7 will not have a cumulative impact on the environment through successive projects of the same type, in
8 the same place, over time; (iii) does not have any unusual circumstances that will have a significant
9 effect on the environment; (iv) does not impact a scenic highway; (v) is not located on a hazardous
10 waste site; and (vi) will not adversely impact a historical resource. Accordingly, none of the
11 exceptions to categorical exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this
12 Ordinance.

13 **SECTION 5.** If any provision of this Ordinance is held invalid, such invalidity shall not affect
14 the remaining provisions of this Ordinance, which shall remain in effect absent the provision held to be
15 invalid, and to this end, the provisions of this Ordinance are declared to be severable.

16 **SECTION 6.** The City Clerk shall certify to the adoption of this Ordinance and cause the same
17 to be published in the local newspaper or posted as required, and the same shall take effect thirty (30)
18 days after its date of adoption.

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20 **PASSED, APPROVED AND ADOPTED** this ____ day of ____, 2020.

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24 DEBORAH ROBERTSON, Mayor
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1 **ATTEST:**

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3 _____
BARBARA A. McGEE, City Clerk

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5 **APPROVED AS TO FORM:**

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FRED GALANTE, City Attorney

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1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF RIALTO**)
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5 I, Barbara A. McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
6 Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council of the
7 City of Rialto held on the ____ day of _____, 2020.

8 Upon motion of Council Member _____, seconded by Council Member
9 _____, the foregoing Ordinance No. _____ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:
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15 **IN WITNESS WHEREOF**, I have hereunto set my hand and the Official Seal of the City
16 of Rialto this ____ day of _____, 2020.
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20 BARBARA A. McGEE, City Clerk
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