

ORDINANCE NO. 1365

AN ORDINANCE OF THE CITY OF SANTA CLARA AMENDING PORTIONS OF "THE ZONING ORDINANCE OF THE CITY OF SANTA CLARA" PERTAINING TO THE REGULATION AND AMORTIZATION OF OFF-SITE ADVERTISING SIGNS

BE IT ORDAINED BY THE CITY OF SANTA CLARA, as follows:

SECTION 1: That subsection (a) of Section 40-15 of "The Zoning Ordinance of the City of Santa Clara" is hereby amended to read as follows:

(a) Time periods. There are hereby declared to be the following time periods, commencing April 17, 1969, unless otherwise expressly prescribed, within which all non-conforming signs within the City shall be altered, removed, or otherwise made to comply with the provisions of this article:

Signs painted on buildings, walls or fences - three years.

Other signs without record of City sign permit - five years.

Billboards (off-site, outdoor advertising structures) located on undeveloped property - ten years.

All other signs - seven years.

Provided that the following time periods shall apply to signs legally erected pursuant to any valid sign permit issued by City within five years immediately preceding April 17, 1969, the effective date of this zoning ordinance:

Signs painted on buildings, walls or fences - five years from date of permit.

All other signs - thirteen years from date of permit.

Provided further that the following time periods shall apply to signs which are not earlier amortized during the preceding time periods for amortization:

Signs not conforming with Section 40-21 - three years after January 1, 1978.

SECTION 2: That subsection (a) of Section 40-21 of "The Zoning Ordinance of the City of Santa Clara" is hereby amended to

read as follows:

(a) Any sign not advertising the use of premises upon which it is located or identifying said premises, including a so-called outdoor advertising sign, may be erected and maintained only as follows:

(1) To be located only in agricultural, commercial or industrial zone districts after first securing and in accordance with a finally approved use permit.

(2) Any such sign exceeding six hundred seventy two (672) square feet and/or within five hundred (500) lineal feet of any other off-site advertising sign on the same side of the street and facing in the same direction shall not be permitted.

(3) Off-site advertising shall be prohibited adjacent to any landscaped freeway as provided in Division III of this ordinance.

(4) If property upon which billboard is located is undeveloped, upon development, no new use permit will be required for continuing use on site, unless billboard is moved to a different location on site, or to another site in city.

(5) If property upon which billboard is located is already developed, the billboard may remain, so long as it is in conformance with subsections 1 through 3 inclusive above.

(6) In no event will the total of billboards in the entire city exceed sixty (60).

(7) Signs are to be painted, repaired, backed with lattice when single faced and panels aligned as appropriate and maintained in good condition.

(8) Sites of signs are to be maintained in a clean condition and landscaping is required where such is practical.

SECTION 3: That subsection (b) of Section 40-21 of "The Zoning Ordinance of the City of Santa Clara" is hereby amended to read as follows:

(b) In order to grant any use permit herein prescribed, the findings of the public body granting the use permit shall be that there is good cause therefor and that no traffic, health, safety, or welfare hazard or menace would be caused or enhanced thereby. In determining good cause therefor, considerable weight shall be given to the fact that the billboard is being replaced as a result of its removal necessitated by City governmental action as opposed to City regulation. Such conditions may be designated in connection with any use permit granted hereunder as is deemed necessary by the granting authority to secure the purposes of this article, and guarantees and evidence that such conditions will be complied with by the applicant may be required. The City Planning Department is also authorized to develop standards for the construction and maintenance of signs and the sites for signs which standards and regulations once adopted and approved by the City Council shall have the force of law and be binding as if specifically set forth in this ordinance.

SECTION 4: Penalty.

A violation of any of the provisions herein or of any regulation adopted pursuant thereto constitutes a misdemeanor and shall be punishable in accordance with the provisions of Article 57 of this ordinance.

SECTION 5: Constitutionality, severability.


If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council of the City of Santa Clara declares that it would have passed this ordinance and every section, subsection, clause, or phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases, were held to be invalid by such court.

SECTION 6: Effective Date.

This ordinance shall be in full force and effect thirty days after its final adoption, but before such adoption, it shall be duly published in accordance with the Charter of the City of Santa Clara.


PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 22nd day of November, 1977, by the following vote:

AYES: COUNCILMEN: Hansen, Mahan, Street and Mayor Gissler  
NOES: COUNCILMEN: Kiely, Stewart and Texera  
ABSENT: COUNCILMEN: None

ATTEST:   
A. S. BELICK  
City Clerk  
City of Santa Clara

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, this 3rd day of January, 1978, by the following vote:

AYES: COUNCILMEN: Hansen, Kiely, Mahan, Street and Mayor Gissler  
NOES: COUNCILMEN: Texera  
ABSENT: COUNCILMEN: Stewart

ATTEST:   
A. S. BELICK  
City Clerk  
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

  
City Clerk

## CITY COUNCIL POLICY STATEMENT FOR BILLBOARD RELOCATION AGREEMENTS

All Billboard Relocation Agreements shall have the following as the minimum criteria:

1. No net new billboards shall be added to the current approved total number of billboards at the time of the Relocation Agreement application.
2. Relocation is defined as raising the height or reconstructing an existing billboard, adding a face to an existing one sided billboard or replacing with a new billboard in a new location.
3. Relocation can only occur with the removal of billboards from the existing billboard inventory as of July 1, 2004.
4. Relocation can only occur based upon a sign face or panel removal ratio of 3:1 (three faces removed for each new or reconstructed face) that will result in the net reduction of sign faces.
5. The 3:1 sign face removal ratio shall apply for billboard height increases, area size increases, reconstruction or new billboards. As an example, in order to increase the height of a single faced billboard, 3 existing billboard faces would have to be removed.
6. Findings must be made which will justify the relocation of any new billboards and shall include, but not limited to: encouraging locations adjacent to freeways and expressways, restricting billboards from or near residential areas and providing a minimum of 300 foot separation from existing or proposed billboards. This policy shall not apply to the existing billboard inventory as of July 1, 2004.
7. All new billboards must provide for at least 10% charitable, non-profit use of one full face of copy exposure based on daily use (e.g. 36.5 days per year), or provide an in lieu fee to the City for each sign face that is new, reconstructed or raised in height.
8. All new or reconstructed billboards in residentially zoned or designated as residential use in the General Plan shall be considered amortized and removed after a period of not to exceed 20 years.

## CITY COUNCIL POLICY STATEMENT FOR BILLBOARD RELOCATION AGREEMENTS

Revised April 2011

All Billboard Relocation Agreements shall have the following as the minimum criteria:

1. As of the adoption of this policy, there are 24 existing billboards in the City and that number shall not increase.
2. "Relocation" is defined as raising the height of an existing billboard, reconstructing an existing billboard, adding a face to an existing one sided billboard, or replacing an existing billboard with a new billboard in a new location.
3. Relocation can only occur with the removal of billboards from the existing billboard inventory as of July 1, 2004.
4. Relocation can only occur based upon a sign face or panel removal ratio of 3:1 (three faces removed for each relocated, new or reconstructed face) that will result in the net reduction of sign faces. As an example, in order to increase the height of a single faced billboard, 3 existing billboard faces would have to be removed.
5. In an effort to minimize public expense in amortizing outdoor advertising displays, the City may waive certain billboard requirements as set forth in City Code Sections 18.80.050 (height) and 18.80.220(b) (billboard general provisions), as those sections may be amended from time to time, with factual findings by the City Council which justify the relocation of billboards. Those findings shall include, but not be limited to, ensuring traffic safety and aesthetics are maintained in the City, encouraging locations adjacent to freeways and expressways, restricting billboards from or near residential areas and providing a minimum of 300 foot separation from existing or proposed billboards.
6. All relocated billboards must provide for at least 10% public service announcement use, free of charge to the City and non-profit entities, of one full face of copy exposure based on daily use (e.g. 36.5 days per year), and at least 50% of such public service announcement use shall occur during the hours of 6:00 a.m. and 9:00 p.m. daily.
7. Any relocation agreement allowing any relocated billboards in residentially zoned areas or areas designated for residential use in the General Plan shall require the removal of the billboard after a period of 20 years.
8. The consideration for City execution of a billboard relocation agreement shall be a payment to the City in the amount of a minimum of \$70,000.00 per relocated sign face.