

## ORDINANCE NO. 76

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER SECTION 15061(B)(3) OF CEQA AND APPROVING ZONING ORDINANCE AMENDMENT NO. 13-01 AMENDING CHAPTER 17.252 (SIGN REGULATIONS) RELATED TO ELECTRONIC MESSAGE SIGNS FOR INDIVIDUAL BUSINESSES, PRIVATE SCHOOLS AND NON-PROFIT SERVICE CLUB ORGANIZATIONS**

**THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:**

**SECTION 1: Environmental Determination.**

A review of the potential environmental impacts was conducted for Zoning Ordinance Amendment No. 13-01. Based on this review, the City Council has determined that the adoption of the proposed amendment (which provides for only text changes) related to LED business identification signs for individual businesses, private schools and non-profit service club organizations has no potential to impact the environment. Further, the proposed amendment does not alter the existing requirements of the California Environmental Quality Act (CEQA) wherein it states in Section 15311.A that on-premise signs are Categorical Exempt. Therefore, Zoning Ordinance Amendment No. 13-01 meets the criteria to be exempt from CEQA pursuant to Section 15061(b)(3) which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." Therefore, the Planning Commission recommends the City Council adopt a CEQA Exemption for Zoning Ordinance Amendment No. 13-01.

**SECTION 2. Required Zoning Ordinance Amendment Findings.**

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 13-01 to the City Council.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance in that the proposed amendment to allow LED business identification signs for individual businesses, will provide for enhanced business identification for individual commercial businesses that can increase economic opportunities. The amendment will also allow private schools and non-profit service club organizations enhanced business identification and the opportunity to advertise community events that can benefit the citizens of Wildomar. Further,

the proposed provisions/regulations in the amendment will ensure that LED type signs will be constructed and used in a manner that will maintain safety and aesthetics.

**SECTION 3: Amendment to the Zoning Ordinance**

Section 17.252.020 (Definitions) of the City of Wildomar Zoning Ordinance is hereby amended to add the following definitions as follows:

**Changeable Copy Sign, Electronic.** A sign, or portion thereof that displays electronic, static text information, defined by a small number of matrix elements using different combination of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic changeable copy signs include computer programmable, micro processor controlled electronic or digital displays. This sign type includes projected messages onto building or other objects.

**Electronic Graphic Display Sign.** A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include project images or messages with these characteristics onto building or other objects.

**Electronic Message Sign.** An electronic sign, typically comprising a liquid crystal diode (LCD), light emitting diode (LED), plasma, or other digital illuminated sign that displays one or more messages. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than illumination illuminating the message. An electronic message sign could be used as a message delivery method for a wall sign, a monument sign or other freestanding sign.

**Multi-vision Sign.** A sign composed in whole or in part of a series of vertical or horizontal slats or cylinder that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one or two or more images.

**Time/Temperature Sign.** An electronic or mechanical device that shows time and/or temperature but contains no business identification or advertising.

**Video Display Sign.** A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not

include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression or frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands or light, or expanding or contracting shapes, not including electronic changeable copy signs.

**SECTION 4: Amendment to the Zoning Ordinance**

Section 17.252.040.E (On-Site Signage Along Scenic Corridors Designated Within the Eastern Coachella Valley and Western Coachella Valley Community Plans) is hereby deleted in its entirety.

**SECTION 5: Amendment to the Zoning Ordinance**

17.252.040.E, a new section, is hereby added to Section 17.252.040 (On-Site Advertising Structures and Signs) to read as follows:

E. Electronic Message Sign Regulations.

1. Intent. It is the intent of this section to establish regulations for electronic message signs to ensure that they are consistent with other signage types located on the parcel and do not create a distracting and potentially unsafe visual environment. The intent is to limit the use of electronic message signs as individual freestanding business identification to ensure that these sign types are used along with other signage and are consistent with that signage.
2. Applicability. The electronic message sign types listed below shall be permitted only within the C-1/C-P and CPS zones as a free-standing business identification sign for individual businesses on a single parcel of land subject to the development standards outlined in this section. In addition, these sign types shall be permitted for private schools and non-profit service club organizations located on a single parcel of land in any zone subject to the development standards outlined in this section. A Minor Plot Plan application is required for these electronic message sign types, and shall be approved by the Planning Director prior to the issuance of any building/electrical permit by the Building Department.
  - a. Electronic Changeable Copy Signs.
  - b. Electronic Graphic Display Signs.
3. Prohibited Electronic Sign Types. Sign with mechanical moving part (e.g. Multi-vision Signs) and sign with video or other types of moving lights or visual images (e.g. Video Display Signs) are prohibited within all Wildomar zoning districts.

4. Exempt Electronic Signs. Time and temperature display smaller than are smaller than 12 square feet in size are exempt from these requirements.
5. Development Standards. The following standards shall apply to all Electronic Message Sign types listed in Section 17.252.040.E.2.
  - a. A maximum of one (1) electronic message sign is allowed per street frontage and can only be included as part of a free-standing business identification sign.
  - b. An electronic message sign is limited to a maximum sign area of 50 square feet per face (single or double-faced sign).
  - c. No more than 50% of the total business identification sign area can be allocated to the electronic message portion of the sign.
  - d. Business identification signs which include an electronic message sign are limited to a maximum height of 15 feet.
  - e. The sign shall only be located on the site of the use identified/advertised by the sign.
  - f. When proposed, a monument base for the proposed sign type shall be constructed of materials that are consistent with the materials of the building for the business. The monument base shall be included in the total sign height.
  - g. The electronic message sign shall be located no closer than 100 feet from an abutting residential zone district boundary, and shall not produce any glare into an adjacent residence.
  - h. Audio speakers are prohibited in association with any electronic message business identification signs.
  - i. The provisions in the Table 1 below (Additional Standards for Electronic Message Signs) shall apply as noted.

**Table 17.252.040.E-1  
Additional Standards for Electronic Message Signs**

<b>Sign Type</b>	<b>Description</b>	<b>Text Limit</b>	<b>Minimum Duration</b>	<b>Brightness (NITs<sup>1</sup>) Day/Night<sup>2</sup></b>	<b>Dark Period (off / on)</b>
<b>Electronic Changeable Copy</b>	Text only – no picture or movement (e.g. no scrolling)	15 words	5 seconds	5,000 <sup>3</sup> / 200	10 P.M. to 6 A.M.
<b>Electronic Graphic Display</b>	Images and text (scrolling of text permitted)	No limit	5 seconds	5,000 <sup>3</sup> / 200	10 P.M. to 6 A.M.

1. NIT is a term used to describe a metric unit of luminance. It is defined as candela per square meter (cd/m<sup>2</sup>). The unit is based on the candela, the modern metric unit of luminous intensity. This quantifies surface brightness, or the amount of light an object gives off.
2. Dimmer control required to change to the lower nighttime brightness setting upon sunset. A change to the higher brightness setting is not permitted until after sunrise.
3. As part of the minor plot plan process, the Planning Director may approve an increase in sign brightness up to a maximum of 7,500 NITs during periods of low sun (e.g., sunset) to allow sign text and graphics to be clearly seen when affected by direct sunlight.

**SECTION 6. Effective Date of the Ordinance.**

This Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

**SECTION 7. Severability.**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 8. City Clerk Action**

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this

Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

**PASSED, APPROVED AND ADOPTED** this 10th day of April, 2013.

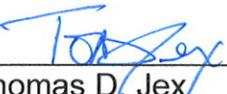


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Timothy Walker  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**



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Thomas D. Jex  
City Attorney



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Debbie A. Lee, CMC  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE)  
CITY OF WILDOMAR )

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 76 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on March 13, 2013, and was duly adopted at a regular meeting held on April 10, 2013, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Walker, Mayor Pro Tem Swanson, Council Members Benoit, Cashman, Moore

NOES: None

ABSTAIN: None

ABSENT: None

  
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Debbie A. Lee, CMC  
City Clerk  
City of Wildomar