

ORDINANCE NO. 05-330

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS AMENDING CHAPTER 6, PART 2, DIVISION 5 - SIGN REGULATIONS, §9655-9655.8, AND PART 3, DIVISION 6 – VARIANCE AND MODIFICATION, APPLICATION PROCEDURES, §9676.2, PART 6, OA - OLD AGOURA DESIGN OVERLAY DISTRICT, §9554.5 SIGNS, IN THE CITY OF AGOURA HILLS MUNICIPAL CODE, AND ADOPTION OF SIGN DESIGN GUIDELINES

WHEREAS, the proposed ordinance serves to enhance the City’s regulations with respect to the design, location, materials, construction and maintenance of signs within the City and provides improved procedures for the processing of signage applications. As such, the proposed ordinance will better implement the City’s design and safety standards set forth in the General Plan and Municipal Code and will maintain and enhance the City’s aesthetic appearance.

WHEREAS, the proposed amendments to the sign code maintain and strengthen the regulation of signage in the City. Without adequate regulation signage can endanger the public, distract drivers, create confusion, and foster a negative image of the City on the part of the public.

WHEREAS, excessive signage can damage view corridors, diminish property values, and detrimentally affect the quality of life of City residents, visitors and the traveling public.

WHEREAS, the United States Supreme Court has recognized that certain types of signs may constitute “real and substantial hazards to traffic safety” and “by their nature...can be perceived as an “aesthetic harm’.” (*Metromedia, Inc. V. City of San Diego* (1981) 453 U.S. 490, 511-12).

WHEREAS, traffic safety and aesthetics are substantial interests that justify the regulation of commercial signs (*National Advertising v. City of Orange* (9th Cir. 1988) 861 F2d246, 248).

WHEREAS, the City Council has determined that certain types of sign structures such as pole signs and roof signs are detrimental to the aesthetics of the community and that limitations on their proliferation and eventual elimination not only serve to reduce visual clutter but also reduce driver distraction. Accordingly, the City Council, in the exercise of its land use regulatory discretion, adopts a policy to the effect that the use of such physical structures, with limited exceptions, should not be expanded within the City.

WHEREAS, the City’s regulations of off-site signs is also consistent with the legislative intent expressed by the California Legislature in enacting the Outdoor Advertising Act (Business & Professions Code sections 5200 et seq.), which specifically provides in Section 5230 that the “Governing body of any city may enact ordinances including, but not limited to, land use or zoning ordinances, imposing restrictions on advertising displays adjacent to any street, road, or highway equal to or greater than those imposed by“ the Act.

WHEREAS, there is a need to clarify the City’s signage regulations in order to protect the public health, safety, and welfare from the potential effects and impacts of signs including, but not limited to, the creation of hazards to traffic safety and the aesthetic harm and related effects on property values and the quality of life in the City caused by signs.

WHEREAS, the City Council finds that this ordinance is authorized by the City’s police powers.

WHEREAS, an addendum to the 1995 Certified Final EIR on the City of Agoura Hills General Plan has been prepared. The City Council finds that an Addendum is appropriate because no significant impacts are anticipated that were not contemplated in the prior General Plan EIR and no additional substantial mitigation planning is necessary for project implementation.

IN VIEW OF ALL THE EVIDENCE AND BASED ON THE FOREGOING FINDINGS AND CONCLUSIONS, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES, AND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby approves the amendment to Chapter 6, Part 2, Division 5.-Sign Regulations, § 9655-9655.8, Part 3, Division 6 – Variance and Modification, Application Procedures, § 9676.2, and Part 6, OA - Old Agoura Design Overlay District, §9554.5 Signs, of the City of Agoura Hills Zoning Ordinance as attached.

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

SECTION 3. The City Clerk shall publish and cause notice of this ordinance to be given according to law.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ed Corridori, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk