

ORDINANCE NO. NS-XXX

ZONING ORDINANCE AMENDMENT NO. 2023-04 – AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA AMENDING PORTIONS OF CHAPTER 41
(ZONING) OF THE SANTA ANA MUNICIPAL CODE
RELATING TO GENERAL RESTRICTIONS AND
BILLBOARDS

THE CITY COUNCIL OF THE CITY OF SANTA ANA HEREBY ORDAINS AS
FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines
and declares as follows:

- A. On an ongoing basis, City of Santa Ana (City) staff review and analyze Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC). In an effort to establish high-quality development standards, create a user-friendly zoning code for residents and the business community, and to implement various policies and actions set forth in the General Plan, the Planning Division is proposing revisions to various sections of the Zoning Code.
- B. After a thorough analysis of the current code requirements in the City, staff identified a number of code amendments and additions that are necessary to ensure clear, uniform, and legally consistent regulations. The proposed changes and additions will enable the City to implement a regulatory framework that both protects the health, safety, and welfare of the City and limits undue strain on home owners, business operators and developers.
- C. Zoning Ordinance Amendment No. 2023-04 amends and adds various sections of Chapter 41; including Section 41-190 (General restrictions), Section 41-1130 (Permitted locations), and Table 41-1131 (Digital Billboard Development Standards) of Section 41-1131 (Development standards).
- D. The proposed amendments are consistent with the General Plan of the City. Specifically, the proposed amendments are consistent with the following goals and policies:
 - a. Modification to the General Restrictions section is consistent with General Plan Land Use (LU) Element Goal LU-1 (Growing Responsibly), Policy LU-1.1 (Compatible Uses), which seeks to foster compatibility between land uses. The change to General Restrictions clarifies incompatible uses that are not permitted.
 - b. Modifications to sections pertaining to billboards are consistent with General Plan Urban Design (UD) Element Goal UD-2 (Sustainable Environment), Policy UD-2.9 (Visual Aesthetic of Built Environment), which

intends to ensure that signs are situated to minimize detrimental impacts. The change to the billboard standards will result in billboard construction that minimizes visual impacts.

- E. On December 11, 2023, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning Zoning Ordinance Amendment No. 2023-04.
- F. On January 16, 2024, the City Council held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning Zoning Ordinance Amendment No. 2023-04.

Section 2. The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act (CEQA). Pursuant to CEQA and Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, the adoption of this Ordinance is exempt from CEQA review because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment and it is not a "project", as defined in Section 15378 of the CEQA Guidelines. As a result, a Notice of Exemption, Environmental Review No. 2023-115, will be filed upon adoption of this ordinance.

Section 3. Section 41-190 (General restrictions) of Chapter 41 of the SAMC is hereby amended to read as follows:

Sec. 41-190. - General restrictions.

Except as hereinafter provided:

- (a) No building shall be erected, reconstructed or structurally altered except in conformance to the provisions contained herein; nor shall any building or land be used for any purpose other than that which is permitted in the district or modified district in which such building or land is located. All uses, as defined in Division 2 of Article 1 of this Chapter, not expressly permitted in any zoning district are prohibited.
- (b) No building shall be erected, reconstructed or structurally altered to exceed the height or size limit herein established for the district or modified district in which such building is located.
- (c) No lot area shall be so reduced or diminished that any yard area or other open spaces shall be smaller than prescribed by this chapter.
- (d) No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building; provided further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

- (e) Every building hereafter erected shall be located on a lot created in conformance with the subdivision regulations and in no case shall there be more than one (1) dwelling or other principal structure on one lot except as provided herein.
- (f) Whenever any land or building is devoted to a use of a more restricted classification than that permitted in the district or modified district where located, such act shall constitute a waiver of any right to claim that any use of buildings or land near, or adjacent thereto, constitute a nuisance in any manner different from that which would be a nuisance if such use were of the least restricted classification permitted in such districts.

Section 4. Section 41-1130 (Permitted locations) of Chapter 41 of the SAMC is hereby amended to read as follows:

Sec. 41-1130. - Permitted locations.

New and reconstructed billboards, and the conversion of existing freeway oriented on-premise advertisement signs to a digital billboard:

- (a) Shall only be constructed on properties zoned and used for non-residential uses in any zoning district, including overlay zones, specific plans, and specific development zones. Such requirement may be modified by the Planning Commission through the approval of a Conditional Use Permit.
- (b) Shall be located within the Freeway Corridor as defined in Section 41-1101.
- (c) Shall not be located within five hundred (500) feet from any residentially zoned parcel, as measured from the border of the digital billboard face, or the base of the digital billboard structure, to the nearest property line of the residentially zoned property. Such requirement may be modified to be no less than one-hundred fifty (150) feet for mixed-use districts by the Planning Commission through the approval of a Conditional Use Permit.
- (d) Shall be located outside any right-of-way owned by the California Department of Transportation (Caltrans).
- (e) Shall not significantly block or significantly impair views of any landmark identified in the General Plan.
- (f) To preserve views of the Santa Ana Water Tower, no billboard shall be constructed on any property adjacent to the northbound and southbound travel lanes of the Santa Ana (I-5) Freeway between Main Street and Grand Avenue.

Section 5. Section 41-1131 (Development standards) of the SAMC is hereby amended as follows:

Sec. 41-1131. - Development standards.

- (a) All digital billboards shall comply with standards established by the California Department of Transportation (Caltrans) in effect at the time the permit is issued. These standards may prohibit the construction of digital billboards in landscaped areas and/or in zones where residential uses are permitted; may limit the size and height of digital billboards; and may require separation between billboards, among other provisions.
- (b) All new or reconstructed billboards shall be digital billboards. The construction or reconstruction of static billboards is prohibited.
- (c) The development standards in Table 41-1131 shall be applicable to all new and reconstructed billboards.

Table 41-1131 Digital Billboard Development Standards

Standard	
Maximum Sign Area/Face	As allowed by Caltrans
Maximum Number of Faces	Two (2)
Maximum Height	Sixty (60) feet ⁽¹⁾
Spacing Between Billboards	One-thousand (1,000) feet ⁽²⁾
Number of Vertical Supports	One Vertical Support ⁽³⁾
Notes: 1. Measured from nearest adjacent curb level on the site on which the sign is constructed. May be modified through Planning Commission approval of a Conditional Use Permit. 2. The minimum separation between billboards located on the same freeway side shall be one-thousand (1,000) feet (including static billboards) or standards established by Caltrans in effect at the time the permit is issued, whichever is greater, as measured from the base of each billboard's vertical support. 3. All conduits, cables and appurtenances shall be concealed within the vertical support.	

Section 6. If any section, subsection, 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 of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 7. This ordinance shall become effective thirty (30) days after its adoption.

Section 8. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2024.

Valeria Amezcua
Mayor

APPROVED AS TO FORM
Sonia R. Carvalho, City Attorney

By: Jose Montoya
Jose Montoya
Assistant City Attorney

AYES:	Councilmembers: _____
NOES:	Councilmembers: _____
ABSTAIN:	Councilmembers: _____
NOT PRESENT:	Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, City Clerk, do hereby attest to and certify that the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

City Clerk
City of Santa Ana