ITEM NO. 16

STAFF REPORT

CITY OF OCEANSIDE

DATE: April 18, 2012

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF ZONE AMENDMENT (ZA11-00004) AND LOCAL COASTAL PLAN AMENDMENT (LCPA11-00002) AMENDING ARTICLE 33 OF THE 1992 ZONING ORDINANCE, REPEALING ARTICLE 33 OF THE 1986 ZONING ORDINANCE AND ESTABLISHING THE AMENDED TEXT AS PART OF THE IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM – SIGN ORDINANCE – APPLICANT: CITY OF OCEANSIDE**

SYNOPSIS

Staff recommends that the City Council: (1) Introduce an ordinance approving amendments to Article 33 of the 1992 Zoning Ordinance, repealing Article 33 of the 1986 Zoning Ordinance and establishing Article 33A and 33B as the new sign ordinance text Citywide; and (2) adopt a resolution approving a Local Coastal Program Amendment (LCPA11-00002) establishing Article 33A and 33B as zoning regulations within the Coastal Zone.

The subject zoning text amendment incorporates:

- Sign ordinance revisions to address constitutionality issues and establish a legally defensible ordinance;
- Provisions for digital display billboards on City property as part of a trade/exchange of existing billboards with digital display boards at a greater than one-to-one ratio;
- Provisions for digital signage on private property, subject to specific regulations;
- Provisions for a sign reduction program;
- Provisions for placement of digital signage at select locations within the public right-of-way to promote community events and commerce; and
- Prohibition of feather signs.

Introduction of the aforementioned draft ordinance would be followed by formal adoption at the next regular Council meeting and consideration of a fee schedule amendment to add a new fee category for digital signage on private property on May 2, 2012.

BACKGROUND

On-site signage for properties within the Coastal Zone area (except for the downtown "D" district) are subject to compliance with the 1986 sign ordinance regulations, while all other areas of the City (including the downtown "D" district) are subject to the 1992 sign ordinance. Neither sign ordinance has been comprehensively updated since adoption. Revisions to both are necessary to bring them up-to-date with recent court rulings that have defined legal parameters of signage regulation. Formatting and minor revisions to definitions and regulations will add clarity to the existing documents. Addition of new parameters for emerging and advanced sign technology such as digital display signs could allow for their consideration as part of future signage proposals on private and City-owned properties.

ANALYSIS

Existing sign ordinance provisions are proposed to be modified in order to: 1) ensure regulation of signs in a constitutional manner, in accordance with case law that has developed since the approval of the currently applicable sign ordinances; 2) distinguish regulatory (private property sign requirements) from proprietary (City property sign requirements) sign standards and update or clarify existing definitions, regulations, etc.; and 3) establish parameters for emerging sign technologies, including digital display signs on private and City-owned properties.

The process of developing revisions to the sign ordinance has been a multi-departmental effort led by the Development Services Department and the City Attorney's Office. Randal R. Morrison of Sabine and Morrison was retained to provide expert legal advice and ensure enforceability of proposed regulations. Sign regulations from multiple jurisdictions were reviewed by staff to establish a basis for comparison, and technical reports were evaluated extensively to identify issues, challenges and solutions.

The Planning Commission considered the sign ordinance amendment during a public workshop and a public hearing held on January 23, 2012, and February 13, 2012, respectively. After evaluating the staff report (Attachment 6), presentations by City staff and consultant, and input from the public, the Commission recommended against sign provisions for billboards on City-owned property and endorsed the balance of the proposed sign ordinance with a few modifications. More specifically the Commission recommended approval of:

- Sign ordinance revisions to address constitutionality issues and establish a legally defensible ordinance;
- Provisions for digital signage on private property, subject to specific regulations;
- Provisions for a sign reduction program;
- Provisions for placement of digital signage at select locations within the public-right-of-way to promote community events and commerce; and
- Ban on feather signs.

The Planning Commission recommended the following modifications to the proposed ordinance:

1) Article 33A - Section 3305 - Prohibited Signs
   a. Delete Commercial Mascot signage from prohibited signage list
2) Article 33A - Section 3307 A.2 – Comprehensive Sign Package
   a. Include 1,000 ft. separation between digital display signage
   b. Remove digital signage hours of operation limits
   c. Reduce digital message dwell time from 8 sec. to 4 sec.
3) Article 33B - Recommend against billboard signage on City-owned property

The 1986 and 1992 sign ordinance legislative draft (Attachments 1 and 2) identify in detail the extent of the proposed modifications and set forth a common regulatory framework for signage Citywide. These draft ordinances do not include the three aforementioned Planning Commission text changes based on the following:

1) Prohibited Signs - Commercial mascots

   Commercial mascot signage is defined as ***"A person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes "sign twirlers", "sign spinners", "sign clowns", "sign walkers", "human directional", and Human "sandwich boards" signs.***

   Based on existing sign ordinance standards, off-premises signage on City-owned property is not allowed. In addition, commercial mascot signage has historically been considered animated signage, and is currently prohibited on private and public property.

   A new definition for "commercial mascot" signage was added to the draft sign ordinance for clarification purposes, and the new term was incorporated under the list of prohibited signs. As defined, a commercial mascot is commonly seen as a roadside sign spinner.

   The Planning Commission considered public testimony in favor of commercial mascot signage and recommended in favor of allowing commercial mascot signage on private property. Staff finds that limiting "commercial mascot" signage on private property would be extremely difficult to enforce, while the alternative of also allowing such signage on public property may negatively impact public access/safety, and could contribute to an undesirable City image. Therefore, staff recommends that the existing sign standards prohibiting commercial mascots on private and City-controlled property be upheld.

2) Comprehensive Sign Package – Digital Sign Standards on private property

The Planning Commission recommended three modifications to the proposed provisions for digital display standards on private property: addition of a 1,000 ft. minimum separation distance between digital signs; removal of digital display signage hours of operation limitations; and decrease of the digital message dwell time from 8 seconds to 4 seconds. The draft sign ordinance under consideration does not include the aforementioned modifications based on the following:

a. A 1,000 ft. separation between digital display signage would provide an advantage to a limited number of businesses that are willing and able to obtain digital display sign permits upon approval of the ordinance, to the exclusion and disadvantage of those businesses located within 1,000 ft. of the first sign permit(s) issued. Staff does not find this "first-come first-served" approach to be equitable to other businesses or to address project-specific contextual and land use compatibility planning concerns/impacts. Rather, review of sign placement in relationship to other existing signage is a matter that should be examined on a case-by-case basis and after careful consideration of specific land use and context adjacency issues as part of the required Comprehensive Sign Package entitlement review.

b. Digital Display signage hours of operation between 6:30 a.m. and 11:30 p.m. would promote services and advertise businesses during typical hours of operation and beyond, and will eliminate potential light/glare impacts during late night and early morning hours.

c. Digital message dwell time is the minimum amount of time that a message is displayed. The Federal Highway Administration recommends a digital message dwell time of 8 seconds. This recommendation is also supported by and consistent with the result (8.4 sec) obtained when utilizing the expert(*) recommended formula for establishing the minimum acceptable dwell time.

Sight distance to Digital Board (ft.) / Speed limit (ft. /sec) = Minimum display duration (sec) - an 800-ft. sight distance to the billboard and freeway/highway speed of 65 mi/hr.

(*) The Dudek (2008) report - "Changeable Message Sign Displays During Non-incident, Non-Roadwork Periods: A Synthesis of Highway Practice" - indicates that 85% of drivers can begin reading a message about 800 feet upstream of the sign if the sign uses characters heights of 18 inches.

3) Billboard signage on City-controlled property

The proposed sign ordinance includes provisions that could potentially allow billboards on City-controlled property, subject to conditions imposed on the approval of such signage as part of a lease, contract or license. Digital display billboards may only be permitted as part of a legally enforceable agreement to replace existing static billboards on at least 1:2 basis. The City would be required to comply with the California Environmental Quality Act (CEQA) before approval of any such lease, contract or license.

The Planning Commission recommended against billboard signage for several reasons, including but not limited to concerns over digital billboard aesthetics and safety impacts. Staff finds that existing Federal and State billboard regulatory provisions (please refer to Planning Commission staff report dated February 13, 2012 – Attachment 6) coupled with additional billboard design technical expertise would ensure appropriate levels of illumination and traffic safety for digital sign advertising and recommends that additional parameters based on location, design and operation should be applied on a case-by-case basis to ensure high-quality design solutions, roadway safety, and land use compatibility with adjacent uses. Staff also recommends that interactive media (including Bluetooth, Wi-Fi and SMS/MMS) message delivery not be allowed until such time that studies on the safety of employing such technology is available. Finally, it is recommended that since placement of billboards on City-controlled property provides the City with an opportunity to restrict sign message content, that this issue should be given due consideration at the time of lease/contract negotiation with sign operators.

In summary, staff concludes that the combination of existing Federal/State billboard regulations and proposed local controls will address any potential signage land use issues, will reduce the number of existing static billboards and will prevent digital display billboard proliferation. Therefore, staff recommends approval of signage on City-controlled property.

Environmental Determination

Staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, it has been determined that the proposed project involves regulatory changes and would not, in and of itself, occasion land development or any other material change to the environment. Projects seeking to implement the amended provisions would be subject to separate CEQA review. More specifically, subsequent CEQA review will be required for signage proposals involving billboards on City-owned property. Digital display signage on private property will be subject to discretionary entitlement review (Comprehensive Sign Package) and any required CEQA review with be completed in conjunction with specific project submittals. Therefore, in accordance with the provisions of the California Environmental Quality Act

(CEQA) Guidelines Section 15061 (b) (3), the proposed zoning text amendment does not have the potential for causing a significant effect on the environment and therefore is not subject to CEQA review.

COMMISSION/COMMITTEE REVIEW

On February 13, 2012, the Planning Commission considered this proposal and recommended approval with modifications (5-1 vote, Commissioner Neal - abstaining). The Commission voted against recommending approval of digital display billboard signage provisions on City-owned property (5-1 vote, Balma - yes).

During the discussion portion of the public hearing, some Commissioners expressed a desire to vet billboard issues if additional time and information was made available. Ultimately, the Commission referred the matter to the City Council for consideration advising that should billboard signage on City-owned property be permitted, it should only be allowed as a trade/exchange of existing billboards at a ratio greater than 1 to 1.

CITY ATTORNEY'S ANALYSIS

Pursuant to Zoning Ordinance, the City Council is authorized to hold a public hearing on the proposed Zone Amendment and Local Coastal Program Amendment. Consideration of the zoning code amendments should be based on the recommendation of the Planning Commission, the record of the Planning Commission public hearing, public input, and any other evidence introduced at the public hearing on this matter. Consideration of the Local Coastal Program Amendment should be based on evidence introduced at the public hearing including public input.

After conducting the public hearing, the Council shall affirm, modify, or reject the Planning Commission's recommendation with regard to the Zone Amendment and approve, modify, or reject the proposed Local Coastal Program Amendment. A modification not previously considered by the Commission shall be referred to the Commission for review and report prior to adoption of the proposed Zone Amendment.

Many of the proposed amendments have been drafted to ensure the City's sign ordinance complies with evolving case law. The City Attorney's Office has worked with Randal Morrison, a sign law expert, in updating the ordinance to ensure it is legally defensible. However, the proposed amendment to potentially allow digital offsite advertising signs on City property following a request for proposals is a major change to the City's zoning ordinance and has the potential to lead to constitutional challenges.

Oceanside currently bans billboards, although five existing signs have been permitted to exist pursuant to a settlement agreement approved by the City Council in 1999. Under controlling precedent from the United States Supreme Court, cities have the legal authority to ban billboards based upon traffic safety and aesthetic impacts. That issue was settled in *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981). If the City Council wishes to continue this policy, the best legal approach would be to reject the proposed amendment, in particular the addition of Article 33B, section 3318.

Amending the sign ordinance to permit new digital billboards only on City property could lead to future litigation, including challenges to the general prohibition on off-site advertising. While it is difficult to predict how the courts would resolve a potential claim, there have been two fairly recent federal court cases on this issue. In *Metro Lights L.L.C. v. City of Los Angeles*, 551 F.3d 898 (9th Cir. 2009), the City of Los Angeles entered into a contract ("Street Furniture Agreement") with CBS-Decaux L.L.C. ("CBS") under which CBS installed public facilities (transit stops, bus shelters, trash receptacles, news racks, etc.) at thousands of city owned transit stops in exchange for exclusive advertising rights on those facilities. The City was paid a fee and had the right to place public service messages at the transit stops. A few months later the City enacted a ban on all new offsite advertising citywide but excluded transit stops from the prohibition. The end result was that the City itself occupied the entire market for "small format billboards" attached to street furniture. A competing sign company filed a lawsuit alleging violations of the First Amendment on the grounds that the agreement with CBS undermined the purposes served by the ban on new billboards, and was unconstitutional for that reason.

The Ninth Circuit rejected the plaintiff's constitutional challenge for several reasons. First, the Court found that a bus bench advertising exception had previously been approved by the United States Supreme Court in the *Metromedia* case. Second, the Court found that the City's interests in promoting aesthetics and traffic safety were not undermined by the street furniture advertising agreements. The agreements with CBS allowed the City to have a single vendor for a controlled series of advertisements on City property over which the City had contractual supervision. According to the Court, this prevented a proliferation of offsite advertising by numerous private parties which would create more "distracting ugliness." The Court also rejected the notion that the City had essentially auctioned off the First Amendment. As stated by the Court, "[c]ertainly, the government cannot silence one speaker but not another because the latter has paid a tax, even though it could constitutionally silence both. But that doesn't mean the City cannot silence speakers in general but permit them to bid for the right to speak on City-owned land, assuming that the speakers on City-owned land do not undermine the goal of the City's general prohibition."

While the *Metro Lights* decision provides legal support to the proposed Section 3318, two distinguishing factors should be noted. First, the City itself was the owner of almost all places where street furniture with advertising could be located. Second, the Street Furniture Agreement provided benefits to the public in addition to revenue to the City. At least one federal court has concluded that a city cannot allow billboards on its own land while prohibiting them on private land. In *Lamar Advertising of Michigan Inc. v City of Utica*, the City entered into an agreement with CBS Outdoor to allow the construction of a billboard on City property. The billboards were not consistent with City zoning, however, the City amended its Code to allow the Planning Commission to waive development requirements for billboards on City property. After unsuccessfully attempting to permit two billboards on private land, Lamar (one of the nation's largest billboard companies) sued the City in federal court alleging violations of the First Amendment. Lamar claimed the City's decision to exempt signs on City-owned

property from its own zoning requirements undermined the City's interests in health, safety, and traffic.

The federal district court granted Lamar's motion for summary judgment in part, concluding the City's sign ordinance, with its exemption for signs on City property, was not narrowly tailored to achieve its significant interests. The court noted that the City exemption could result in additional blight or traffic concerns since there were no guidelines for the Planning Commission to follow when deciding whether to waive the zoning requirements for signs on City property.

To conclude, the federal courts have reached inconsistent conclusions in this area. The proposed section 3318 is distinguishable from the ordinance at issue in Utica as at least two existing billboards must be removed before a new billboard on City property can be constructed. This ensures a net reduction in the total number of billboards advancing the City's interests in traffic safety and aesthetics. Sacramento followed a somewhat similar approach recently by allowing four new digital billboards (three of them double-sided) on City property. However, seventeen existing billboards had to be removed to permit the new digital billboards. We have been advised that Sacramento's ordinance allows new billboards only on City-owned land, and that no litigation has been filed in Sacramento to date.

RECOMMENDATION

Staff recommends that the City Council: (1) Introduce an ordinance approving amendments to Article 33 of the 1992 Zoning Ordinance, repealing Article 33 of the 1986 Zoning Ordinance and establishing Article 33A and 33B as the new sign ordinance text Citywide; and (2) adopt a resolution approving a Local Coastal Program Amendment (LCPA11-00002) establishing Article 33A and 33B as zoning regulations within the Coastal Zone.

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ATTACHMENTS:

1. 1986 Zoning Ordinance Legislative Draft
2. 1992 Zoning Ordinance Legislative Draft
3. Ordinance Introducing Article 33A & 33B to the 1986 and 1992 Zoning Ordinance
4. City Council Resolution Amending the Local Coastal Program
5. Planning Commission Resolution No. 2012-P06
6. Planning Commission Staff Report dated February 13, 2012
7. Written Communications Received to Date

ATTACHMENT 1

1986 SIGN ORDINANCE LEGISLATIVE DRAFT

~~ARTICLE 33~~

~~SIGNS~~

~~Section 3300: PURPOSE AND INTENT. Signs in the City of Oceanside shall be designed to create an effective identification advertising message which will be attractive in appearance and contribute to the quality of life in Oceanside.~~

~~It is the intent of the City of Oceanside to establish feasible sign regulations to permit signs which particular types of uses need to help achieve a solid economic base. To meet this intent the City will permit applicants to submit individualized sign programs for their property following the general design guidelines outlined below.~~

~~Section 3305: DEFINITIONS AND ABBREVIATIONS. For purposes of this Article, the following definitions shall apply:~~

~~(a) ACCESSORY SIGN – A sign which is designed to facilitate the announcement of trading stamps, credit cards, special services being offered or other similar messages. Such signs shall not announce or advertise products, goods or services directly related to the business being conducted on the premises.~~

~~(b) ABANDONED SIGN – Any sign advertising a business, use or service which has been discontinued because the premises upon which it is located have been vacated for a period of more than ninety (90) days, which is a non-conforming sign. Any sign which is a conforming sign not in use but which may be intended to be re-used in conjunction with the ownership or operation of a business on a property shall not fall under the definition of abandoned.~~

~~(c) ALTERATION – Any change of copy, color, size, shape, illumination, position, location, construction or supporting structure of an existing sign.~~

~~(d) ANIMATED SIGN – A sign with action or motion, rotating, flashing or color changes, excepting therefrom wind-actuated elements such as flags, banners, streamers, whirligigs or other similar devices, and public service signs such as time and temperature units.~~

~~(e) BUILDING COMPLEX – A building or group of buildings on one or more lots or building sites containing two or more unrelated occupants and sharing common parking facilities.~~

~~(f) BUILDING FACE – The outermost surface of any main, exterior wall of a building, but not including cornices, bay windows, balconies, oriels or other architectural features which extend beyond the general outermost surface of such main exterior wall.~~

~~(g) CANOPY SIGN – Any sign attached to a projecting canopy or protruding over a private sidewalk.~~

~~(h) CHANGEABLE COPY SIGN – A sign with changeable copy, regardless of method of attachment or materials of construction.~~

~~(i) COMBINATION SIGN – Any sign incorporating any combination of the features of more than one type of sign.~~

~~(j) CONSTURCTION PROJECT SIGN – A sign identifying the architect, engineer, designer, contractor, developer, lending institution or future occupant of a construction project.~~

~~(k) DIRECTOR OF BUILDING – Officer or other person charged with the administration and enforcement of this Article or his duly authorized deputy.~~

~~(l) DIRECTIONAL SIGN – Any on-site sign to direct pedestrian or vehicular traffic which contains no commercial or advertising matter.~~

~~(m) DIRECTORY SIGNS – A sign not intended to be viewed from a public street designed to identify tenants within a building permits.~~

~~(n) DORMER – A structure located above the height of a wall projecting from a sloping roof that is enclosed on both sides and top and does not project above the top of the roof structure.~~

~~(o) DOUBLE FACED SIGN – A sign with two faces, with each face oriented 180 degrees (back to back) from the other.~~

~~(p) ELECTRIC SIGN – Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.~~

~~(q) GRADE – The elevation of the nearest public sidewalk or curb adjoining the property upon which any sign or structure is placed or erected or the constructed finished ground surface immediately below the sign.~~

~~(r) HEIGHT – The height of any sign shall be the measurement from the top of the sign cabinet, including all ornamentation and supports, to the ground surface beneath.~~

~~(s) ILLEGAL SIGN – Any sign placed without proper government approval and/or permits at the time said sign was placed. "Illegal Sign" shall also mean any non-conforming sign which has exceeded its authorized amortization period.~~

~~(t) ILLUMINATED SIGN – Any electric sign or other sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or brightening the sign area.~~

~~(u) LOT FRONTAGE – Those portions of a lot or building site which abuts a pubic street. For purposes of determining frontage on corner lots and through lots, all sides of a lot abutting a public street shall be considered frontage.~~

~~(v) MARQUEE – A permanent roofed structure attached to and supported by the building and projecting beyond the building face.~~

~~(w) MONUMENT SIGN – A sign not exceeding twelve (12) feet in height which is supported by a base not exceeding 25% of the sign area.~~

~~(x) MULTI-FACED SIGN – A sign with more than two faces with each face oriented at less than 180 degrees from the other.~~

~~(y) NON-COMBUSTIBLE – Applied to building construction material means a material which, in the form in which it is used, is either one of the following:~~

~~(1) Material of which no part will ignite and burn when subject to fire. Any material conforming to U.B.C. Section 415 shall be considered non-combustible within the meaning of this section.~~

~~(2) Material having a structural base of non-combustible material as defined in Item No. 1 above, with a surfacing material not over 1/8 inch thick which has a flame-spread rating of 50 or less.~~

~~"Non-combustible" does not apply to surface finish materials. Material required to be non-combustible for reduced clearances to flues, heating appliances or other materials shall refer to material conforming to Section No. 1. No material shall be classed as non-combustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.~~

~~Flamespread rating as used herein refers to rating obtained according to tests conducted as specified in U.B.C. Standard No. 42-1.~~

~~(z) NON-CONFORMING SIGN – A sign which was legally installed under laws or ordinances in effect prior to the effective date of this Article or subsequent revisions, but which is in conflict with the provisions of this Article.~~

~~(aa) NON-STRUCTURAL TRIM – The molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways which are attached to the sign structure.~~

~~(bb) OUTDOOR ADVERTISING SIGN – A sign of the outdoor advertising business, which advertises products, accommodations, services or activities not provided on the premises on which it is located, excepting therefrom off-site subdivision and real estate signs. Also known as a billboard.~~

~~(cc) ON-SITE SIGN – A sign advertising the business, accommodations, services or activities provided on the premises on which the sign is located. On-site signs do not include outdoor advertising signs as defined in this Article.~~

~~(dd) PERMANENT SIGN – Any sign designed and intended to be used in excess of 30 days.~~

~~(ee) POLE SIGN – A sign wholly supported by a sign structure in the ground and not attached to a building.~~

~~(ff) POLITICAL SIGN – A sign which is designed to influence the action of the voters regarding candidates or measures appearing on the ballot at any national, state or local election.~~

~~(gg) PROJECTING SIGN – A sign which projects more than twelve (12) inches from the faces of an exterior building wall or façade and which uses the building wall as its primary source of support.~~

~~(hh) PROJECT ENTRANCE SIGN – Any on-site sign used to identify the name of an apartment housing complex, mobile home park, condominium subdivision or planned residential development.~~

~~(ii) PROPERTY SALES SIGN – A sign, other than a subdivision sign, advertising the sale, rent or lease of the particular building or real property upon which it is displayed.~~

~~(jj) PUBLIC SERVICE SIGN – A sign which provides general information of a non-advertising nature to the public, such as electronic changeable time and temperature units which augment "on-site" business identification signs.~~

~~(kk) REPAIR – The renewal of any part of an existing sign for the purpose of its maintenance. The word "repair" shall not apply to any structural change of any non-conforming sign after the lapse of the legal abatement period.~~

~~(ll) RESIDENTIAL SIGN – A sign which announces the name, or address of a residential building, the name of the occupants thereof, or the conditions of use of a parking facility serving a residential use.~~

~~(mm) ROOF SIGN – A sign erected upon or above a roof or a parapet of a building or structure not contained within a dormer.~~

~~(nn) SETBACK AREA – That area between the building face and the property line. In the absence of a building, the setback area shall be that area defined as the "required yard" specified by the Zoning Ordinance.~~

~~(oo) SHOPPING CENTER – Two or more stores, grouped in one or more buildings which share common parking facilities.~~

~~(pp) SIGN – Any device including its structure and component parts which is used or intended to be used to attract attention to the subject matter for advertising purposes, except for following:~~

~~(1) Such devices not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises.~~

~~(2) Flags and insignia of any government except when displayed for purposes of commercial promotion.~~

~~(3) Legal notices, identification, informational or directional devices erected or required by government agencies.~~

~~(4) Decorative or architectural features of buildings, except letters, trademarks or moving parts.~~

~~(5) Christmas decorations and lights between November 15th and January 15th.~~

~~(qq) SIGN AREA – The entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column provided such supporting column is not decorated or displayed with advertising. In the case of "skeleton" or "cutout" letters or signs placed on a wall without any borders, the sign area shall be the sum of the area of all letters, words, or symbols which can be contained in straight lines drawn around all such letters, words or symbols.~~

~~(rr) SIGN COPY – Any words, letters, numbers, figures, designs or other symbolistic representation incorporated into a sign with the purpose of attracting attention to the subject matter.~~

~~(ss) SIGN FACE – The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.~~

~~(tt) SIGN STRUCTURE – Any structure which supports or is capable of supporting any sign as defined in this Section. A sign structure may be a single pole and may or may not be an integral part of the building.~~

~~(uu) TEMPORARY SIGN – Any sign, balloon, A-frame, streamer, banner, pennant, valance, or advertising display constructed on cloth, canvas, light~~

~~fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only.~~

~~(vv) WALL SIGN – Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and not located above the roof line, parapet or façade (except when enclosed within a dormer), which does not project more than twelve (12) inches from the building wall.~~

~~(ww) WINDOW SIGN – Any permanent sign displayed on a window in excess of three (3) square feet.~~

~~Section 3310: GENERAL DESIGN GUIDELINES~~

~~(a) COMPREHENSIVE SIGN PACKAGE – Buildings or building complexes containing three or more uses shall be required to submit a comprehensive sign package to the Planning Division prior to the issuance of the first sign permit of a building complex or, in the case of an existing building complex, within 30 days of the first new sign permit for that complex. Such sign package shall be in substantial conformance with the provisions of Section 3320. The sign package shall contain provisions for uniform color, size, types of signs and design standards.~~

~~(b) ON-SITE SIGNAGE – Signs shall only identify uses being conducted on the site where the use is being conducted except as otherwise provided for herein.~~

~~(c) REMOVAL OF ABANDONED SIGNS – It shall be the responsibility of the owner of the land and/or improvements to remove any abandoned sign or signs on premises abandoned or not otherwise in use for a period in excess of ninety (90) days.~~

~~(d) ILLUMINATION – Sign illumination shall be from interior light source contained within the sign cabinet. Indirect exterior illumination shall be~~

~~permitted provided the light source is entirely shielded from view. Such signs shall comply with the following provisions:~~

~~(1) No sign shall be illuminated by an exposed light source visible from any public street or residential property.~~

~~(2) No sign shall employ strobe lights, or any other light source that pulsates, blinks, or flashes.~~

~~(3) No sign shall employ the use of mirrors or any other highly reflective surfaces so as to direct or reflect any natural or artificial light onto any public right-of-way or adjoining property.~~

~~(4) No gooseneck type lighting fixtures shall be permitted.~~

~~(e) SIGNS IN CORNER CLEAR ZONE – No sign or sign structure having an area of more than 1 square foot shall be permitted in any corner clear zone as defined in the Zoning Ordinance.~~

~~(f) NONCONFORMING SIGNS – Any sign that becomes non-conforming as a result of this Article will be subject to the following:~~

~~(1) Any repairs may be made necessary to maintain a non-conforming sign's structure, safety and function including re-finishing, provided the basic size, copy, and structure of the sign remains unchanged and providing such non-conforming sign continues to be within its legally designated abatement period.~~

~~(2) When a new sign is proposed as a result of a change in business or occupancy, all existing or any new signs for that business shall be made to conform with the provisions of this Article including the development of a Comprehensive Sign Package for existing building complexes.~~

~~(3) The abatement of all non-conforming signs shall be conducted as provided for by State law.~~

~~(g) PLACEMENT OF SIGNS – Signs shall be placed on the site which the sign is intended to identify and shall not be placed or overhang on public property unless provided for elsewhere herein.~~

~~(h) SIGN MAINTENANCE – All signs shall be kept in good repair at all times. Any portions of a sign in need of repair shall be repaired or contracted to be repaired within ten (10) days of notification.~~

~~(1) All signs shall be kept in good repair at all times. Any portions of a sign in need of repair shall be repaired or contracted to be repaired within ten (10) days of notification of the enforcement official.~~

~~(2) If the sign is not under repair or repaired within thirty (30) days after the notification period has elapsed, the owner and/or user of the sign will be guilty of an infraction, and the enforcement officer will issue a citation. A fine not exceeding Fifty Dollars ($50) will be assessed for the first violation.~~

~~(3) If the sign is not repaired within thirty (30) days of the first violation, a second violation will be issued to the owner and/or user of the sign. A fine not exceeding One Hundred Dollars ($100) will be assessed for the second violation, and will continue to be assessed each day thereafter, until the sign is repaired.~~

~~Section 3320: TYPES OF SIGNS. The following types of signs are permitted in order to provide a wide range of options for advertisement and identification.~~

~~In the event that an applicant desires a sign which is not listed, or the property does not qualify for a particular type of sign, or there are unique circumstances which warrant special consideration, an application for an Alternate Sign Permit may be made.~~

~~In the event an applicant desires a modification to the design standards of this Article, an application for a Sign Modification Permit may be made.~~

~~The types of signs listed below may be permitted without any special review if all of the design standards have been met and is not in conflict with an approved comprehensive sign package.~~

~~(a) POLE SIGNS/FREESTANDING AND ROOF SIGNS – Pole signs and roof signs shall be subject to the following:~~

~~(1) Maximum height of fifty (50) feet, measured from average finished grade.~~

~~(2) The total square footage of all roof and pole signs shall not exceed a maximum of 250 square feet.~~

~~(3) Sign message. For multiple use signs the principle message shall identify the building complex. Individual identification of users in a building complex may be included in the pole sign message. The total square footage of tenant identification shall not exceed 100 sq.ft.~~

~~(b) MONUMENT SIGNS – Monument signs may be permitted subject to the following design standards:~~

~~(1) No monument sign shall be allowed to identify a use which is already identified on another freestanding sign except as may be provided for in this Article.~~

~~(2) A minimum distance of 50 feet must be maintained between monument signs.~~

~~(3) The identification of a single use not located within a building complex will be limited to one monument sign.~~

~~(a) The sign area of a monument sign shall not exceed 40 square feet. For the purpose of computing the area of a monument sign and to encourage better design, a border or frame shall not be counted as square footage provided such~~

~~border or frame does not exceed an additional 25% of sign area.~~

~~(b) Monument signs identifying a single use in excess of 10,000 square feet of floor area may be permitted to increase the sign area 20 square feet for each 10,000 square feet of building area to a maximum of 150 square feet.~~

~~(4) No monument sign including a frame, border or base shall exceed twelve (12) feet in height.~~

~~(c) WALL SIGNS – Signs painted on walls, or attached to and placed flat against a building wall or fascia are intended to be the primary identification signs for most uses. The following size and design standards shall apply to wall signs:~~

~~(1) Sign Area – the maximum size of a wall sign shall be 30 percent of each side of a building surface. Frontage is computed on an individual basis in multi-tenant buildings. Building frontage shall be measured along that side of the building for which the sign is proposed.~~

~~(2) Sign Length – The length of the sign may be up to 80% of the building frontage.~~

~~(3) Letter Height – Letter height for any wall signs shall be as follows: Maximum average of 18 inches plus 10 inches for each 10 feet of building width.~~

~~(4) Accessory Wall Signs (Including Logos) – Each use will be permitted four (4) additional accessory signs not exceeding 24 square feet.~~

~~(5) Location – The top of the sign shall not project above the top of the wall (wall is measured up to the intersection of the roof line). Signs~~

~~placed on pitched roofs may be allowed provided the sign is enclosed within a dormer and does not extend above the ridge line of the structure.~~

~~(d) PROJECTING SIGNS – Signs projecting from the side of a building shall not extend over the public right-of-way and shall not exceed sixty (60) square feet.~~

~~(e) CANOPY SIGNS/PEDESTRIAN SIGNS – Signs placed perpendicular to the building face under a canopy will be permitted at each building entrance provided the bottom of each sign is at least eight (8) feet above the walkway.~~

~~(f) DIRECTORY SIGNS~~

~~(1) Direction signs shall be no more than three (3) feet high and three (3) square feet. The signs shall be permanently placed on site.~~

~~(2) Directory signs, freestanding or attached to a building, for tenants of shopping centers and building complexes are permitted under the following conditions:~~

~~(a) The sign area shall not exceed one square foot per tenant.~~

~~(b) The total sign area for all tenants shall not exceed 100 square feet.~~

~~(c) The sign shall be located at least 100 feet from a public street, and it shall not cause traffic hazards on or off-site.~~

~~(g) WINDOW SIGNS – No more than thirty (30) percent of the total window area for any one side of a building shall be used for permanent sign display except as provided otherwise herein. Window signs advertising hours of operation, credit cards and other such items shall not exceed a cumulative square footage of ten (10) square feet.~~

~~(h) MULTIPLE STORY BUILDINGS – For those uses located in structures two or more stories in height the following sign criteria shall be applied.~~

~~(1) Ground floor users and primary building identification shall follow the sign criteria as established in Sections A through G above.~~

~~(2) Second floor users will be allowed a wall or canopy sign of no more than 16 square feet only where an exterior access serves as the primary access to the use.~~

~~(3) All other users may have their identification signs from the interior corridors of the building at the discretion of the owner/landlord of the building.~~

~~(4) Directory signs either freestanding or attached to the building will be permitted for multiple tenant structures under the following conditions:~~

~~(a) The sign area shall not exceed 1 square foot per tenant.~~

~~(b) The total sign area for all tenants shall not exceed 100 square feet.~~

~~(c) The sign shall be located at least 100 feet from a public street, and it shall not cause traffic hazards on or off-site.~~

~~(i) GASOLINE STATIONS – State law requires the posting of sales prices for all grades of gasoline sold. Prices change frequently and therefore need to be treated differently than the typical sign. The following criteria shall be applied to gasoline stations: Temporary and/or portable signs advertising gasoline prices will be permitted.~~

~~(j) PUBLIC SERVICE/NEIGHBORHOOD SIGNS~~

~~(1) Time and temperature signs may be incorporated into approved monument signs or placed flat against a wall. The square footage of message area shall not exceed 10 square feet.~~

~~(2) Cloth banners suspended above a City street when the organization responsible for the banner is directly or indirectly associated with the City of Oceanside or other organizations upon approval of a special events permit. Location of such banners within the Redevelopment Project Area must have the approval of the Community Development Commission.~~

~~(3) Signs posted in neighborhoods for the purpose of public safety such as Neighborhood Watch Signs shall be designed to blend into a neighborhood and not create a hazard. Such signs shall not exceed 32 square feet and do not require a permit.~~

~~(k) TEMPORARY PROMOTIONAL SIGNS – Such signs may be permitted for a limited time without the requirement of obtaining a permit to announce the grand opening of a business, special promotions, sales, and outdoor exhibitions or performances on the premises subject to these limitations:~~

~~(1) Signs painted on or attached to window surface will be allowed on the ground floor level and shall not cover more than forty (40) percent of the total window surface.~~

~~(2) Signs shall advertise only the goods and services available on the premises.~~

~~(3) Temporary portable signs, banners, pennants, streamers, whirligigs, or similar attention-getter devices without wording erected for the purpose of advertising the grand opening of a business.~~

~~(4) Temporary signs shall be permitted for a period not to exceed thirty (30) consecutive days for any one special promotion.~~

~~(5) Signs, merchandise, or any other material shall not be placed upon any public property.~~

~~(6) Community Events. Signs shall be limited to 32 square feet when located on private property and shall not be erected sooner than thirty (30) days prior to the event and shall be removed within ten (10) days after the event. Community events signs not located on private property shall be limited in size to six (6) square feet. The location requirements of community event signs shall be the same as the locational requirement for political signs as contained in this section. A community event is defined as an event oriented towards recreational, cultural, or civic activities sponsored by nonprofit organizations in which the entire community is encouraged to participate. Such events generally are conducted within large open space or recreation areas.~~

~~(l) CONSTRUCTION PROJECT SIGN – One sign shall be permitted for each construction site, subject to these limitations:~~

~~(1) Height – Shall not exceed 8 feet above finished grade.~~

~~(2) Area – Maximum 40 square feet per sign face.~~

~~(3) Location – Shall be located on site at least 10 feet from the street right-of-way.~~

~~(4) Special Provisions~~

~~(a) Signs shall not be illuminated.~~

~~(b) Signs must be removed prior to issuance of occupancy certificate.~~

~~(m) TEMPORARY LEASING SIGN OR FOR SALE SIGN – Temporary signs for the purpose of leasing or selling property shall be limited to the following:~~

~~(1) Unimproved Land – For each 500 feet of street frontage 32 square feet of sign area is permitted, up to a maximum of 200 square feet. No more than four (4) signs for each property shall be permitted. No sign shall have a sign area of more than 70 square feet, and a height of more than 14 feet.~~

~~(2) Improved Land (Non-Residential) – One sign placed on the wall of the building for each street frontage not exceeding 32 square feet per sign and not exceeding two (2) signs. One additional freestanding sign not exceeding 6 feet in height and 12 square feet when the building is set back from public street at least 70 feet.~~

~~(3) Improved Land (Residential) – One sign for each street frontage not exceeding 4 feet high and 6 square feet.~~

~~(n) POLITICAL SIGN – Political signs shall be permitted to be posted and maintained subject to the following regulations:~~

~~(1) Such a sign may be posted not more than ninety (90) days prior to the election to which the sign is applicable and shall be removed no later than ten (10) days immediately following such election.~~

~~(2) Such a sign may be permitted on private property only with the consent of the owner or person in legal possession of such property.~~

~~(3) No political sign shall be posted on any street light pole; on any post, pole, or structure supporting a traffic control sign or signal; or on a fire hydrant located on public property or in the public right-of-way.~~

~~(4) No political sign shall be posted on any tree, bush or other vegetation located on public property or in the pubic right-of-way by use of any nail, tack, spike, or other method which would cause harm to the tree, brush, or vegetation.~~

~~(5) No political sign shall be posted on public property or in the public right-of-way in a manner which:~~

~~(a) obstructs a motorist's clear view of vehicular or pedestrian traffic, traffic control signs or signals;~~

~~(b) impedes a pedestrian's free use of the sidewalk;~~

~~(c) otherwise represents a hazard to vehicular or pedestrian traffic.~~

~~(6) Prior to posting any political sign, the candidate, committee supporting or opposing a candidate or ballot measure, or other person who is responsible for the posting and maintenance of such signs, hereinafter referred to as "responsible party", shall provide the following information to the Building Official:~~

~~(a) name, address, and telephone number of the responsible party;~~

~~(b) the date on which the posting is to commence;~~

~~(c) the date of the election to which the signs will be applicable;~~

~~(d) the date on which the signs are to be removed.~~

~~(7) If a political sign is posted in violation of the provisions of paragraph 2 through 5 above, the Building Official shall cause notice to be given to the responsible party of the location of the subject sign, the nature of the violation, and the remedial action necessary to correct the violation. Such notice may be given by personal contact, telephone, mail or other manner reasonably calculated to provide such notice.~~

~~If any such sign is not removed or re-posted within 48 hours of notification so as to remedy the pertinent violation, the Building~~

~~Official is authorized to cause such sign to be removed. In any case where the responsible party cannot be notified or identified or where the subject sign is so posted as to create a hazard which poses a peril to pedestrian or vehicular traffic, the Building Official is authorized to cause the subject sign to be removed immediately.~~

~~(8) If any political sign is posted in violation of the provisions of paragraph 1 above, the Building Official shall cause notice to be given to the responsible party of the location of the subject sign, the nature of the violation, and the necessity for the removal of the sign. Such notice may be given by personal contact, telephone, mail or other manner reasonably calculated to provide such notice.~~

~~If any such sign is not removed within five (5) days of such notification, the Building Official is authorized to cause such sign to be removed.~~

~~(9) Whenever the Building Official causes the removal of the political sign, the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.~~

~~(o) PROJECT ENTRANCE SIGN – Such signs may be installed to announce the name of a project subject to the following limitations:~~

~~(1) Designed as an integral part of a decorative wall or fence.~~

~~(2) Placed within a maintained, landscaped, planted area.~~

~~(3) Placed at the main street intersection in such a location that will not obstruct sight distance.~~

~~(p) RESIDENTIAL SIGN – Residential signs of no more than 1.5 square feet per sign identifying the name or address of the residential building, the name of the occupants thereof, or the conditions of use of a parking facility shall be allowed without applying for a sign permit.~~

~~(q) BUS BENCH SIGNS – Signs placed on bus benches and enclosures shall either be painted onto bus stop benches or attached directly to a bus shelter. No such sign shall extend beyond the bus stop benches or bus shelters.~~

~~Section 3330: PROCEDURES FOR SIGN APPROVAL. All sign proposals shall be consistent with the provisions of this Article or with an approved Comprehensive Sign Package. A sign permit can be issued upon the completion of the following steps.~~

~~(a) TYPES OF SIGN PERMITS~~

~~(1) Sign Permit – All signs consistent with this Article or those signs which have either an approved Comprehensive Sign Package, Alternate Sign Permit or Sign Modification Permit may file directly with the Building Division for a Sign Permit.~~

~~(2) Comprehensive Sign Package – Buildings or building complexes containing three or more uses shall be required to submit a Comprehensive Sign Package. Such sign package shall contain provisions that establish uniform color, size, location, types of signs, and lighting requirements and other requirements of the Comprehensive Sign Package Application Form.~~

~~(3) Alternate Sign Permit – An Alternate Sign Permit will be required if the type of sign being proposed is not specified in this Article.~~

~~(4) Sign Modification Permit – A Sign Modification Permit will be required if a proposed sign differs from the design criteria~~

~~established herein or within an approved Comprehensive Sign Package.~~

~~(b) APPROVING AUTHORITY – Depending upon the type of sign application as required above, the following persons, departments, advisory or legislative bodies are entitled to approve or deny sign requests:~~

~~(1) Comprehensive Sign Package – The City Planner shall either approve or deny Comprehensive Sign Packages. Should the City Planner deny a Comprehensive Sign Package, a written report shall be prepared indicating the reasons why the Comprehensive Sign Package was not approved. The decision of the City Planner is appealable to the Planning Commission and City Council.~~

~~(2) Alternate Sign Permit – The Planning Commission shall have the authority to approve or deny applications for an Alternative Sign Permit. The decision of the Planning Commission is appealable to the City Council.~~

~~(3) Sign Modification Permit – The Planning Commission shall have the authority to approve or deny applications for a Sign Modification Permit. The City Planner may approve minor modifications for height, area, or other design criteria as specified in Section 3320 and 3350 provided that such request does not exceed 10% of the specific requirement provided for in this Article. The decision of the Planning Commission or City Planner is appealable to the City Council.~~

~~(4) Sign Permit – The Building Official is authorized to issue all sign permits which comply with the provisions of Subsection 3320 and 3350 subject to any conditions the City Planner, Planning Commission or City Council may have imposed on the respective use, building or parcel.~~

~~(5) Signs Within the Redevelopment Area and the Small Craft Harbor – Sign criteria in the Redevelopment Area and the Oceanside Small Craft Harbor differ from the criteria contained in this Article. Signs proposed for these areas may be referred to the legislative body of these agencies for action.~~

~~(c) REQUIRED FINDINGS FOR APPROVAL OF AN ALTERNATE SIGN PERMIT – Applications filed for an Alternate Sign Permit shall only be approved when all the following findings can be made:~~

~~(1) The type of sign being proposed is not included within Section 3320.~~

~~(2) The proposed use or building location has characteristics that would make the use of a sign as contained in Section 3320 infeasible or ineffective.~~

~~(3) The design, size, or location of the proposed sign would not be detrimental to surrounding uses.~~

~~(4) The design of the proposed sign has demonstrated superior quality that will contribute to the upgrading of the surrounding area.~~

~~(d) REQUIRED FINDINGS FOR A SIGN MODIFICATION PERMIT – Applications filed for a Sign Modification Permit shall only be approved when the following findings can be made:~~

~~(1) The enforcement of the design standards of this Article would cause a hardship to the property for which the sign is proposed, due to size, shape or other characteristic of said property.~~

~~(2) The design standards contained in this Article are inappropriate due to the uniqueness of the proposed use or property.~~

~~(3) The design of an existing structure would not permit the same degree of sign identification that other uses in the immediate area enjoy which are conforming to this Article.~~

~~(4) The proposed sign modification is necessary to provide adequate sign identification for the proposed use.~~

~~(5) The proposed sign modification would not be detrimental to other uses in the area.~~

~~(6) The proposed sign modification design is equal to or better than the design criteria as contained in this Article.~~

~~(e) PUBLIC HEARING PROCESS – Any application to consider an Alternate Sign Permit, Sign Modification Permit, or an appeal of a Comprehensive Sign Package shall be heard by the Planning Commission at a public hearing in accordance with the provisions of Article 21 of the Zoning Ordinance. A completed application form with the appropriate filing fees shall be filed with the Planning Division. Any decision by the Planning Commission is appealable to the City Council pursuant to the provisions of Article 21 of the Zoning Ordinance.~~

~~Section 3350: ON-SITE/OFF-STIE SUBDIVISION SIGNS. This Section provides for subdivision signs within the City of Oceanside for the purpose of giving direction to such subdivisions. In order to avoid adverse effects on the residential neighborhoods and to prevent a proliferation of such signs, regulations for the location, standards, number of such signs, and their approval and removal are included in this Section.~~

~~(a) SCOPE OF REGULATIONS - Subdivision signs for a subdivision located in the City of Oceanside are permitted only in compliance with the provisions of this Section. Subdivision signs for the following types of development shall be covered by this Section.~~

~~(1) Residential subdivision for detached single-family homes, duplexes and townhouses.~~

~~(2) Residential condominium subdivisions or condominium conversions.~~

~~(3) Residential cooperative developments or cooperative conversions.~~

~~(b) NUMBER OF SIGNS – Each subdivision is permitted a total of six (6) subdivision signs, whether located on-site of the subdivision or off-site. Two additional signs are permitted in accordance with Section 7 below.~~

~~(c) LOCATION OF SIGNS~~

~~(1) Off-site subdivision signs are permitted along any of the following streets as shown on the Master Street Plan of the City of Oceanside: Secondary arterials, Major arterials, Prime arterials, and expressways.~~

~~(2) Notwithstanding the provisions of c(1) above, no off-site subdivision sign shall be located in any built-up residential zoning district except where the rear yard of the residential lots abut on any of the streets listed in c(1) above and where such streets are at least ten (10) feet below the elevation of the lot pads.~~

~~(3) Notwithstanding the provisions of c(1) and c(2) above, no off-site subdivision directional sign shall be located in any front yard setback, side yard setback or in any public right-of-way.~~

~~(4) No off-site subdivision sign shall be permitted within 500 feet from the right-of-way of any freeway, unless, in the opinion of the Building Official, such sign is not intended or designed to be viewed from the freeway.~~

~~(d) SIGN STANDARDS~~

~~(1) Sign Area and Size – Each subdivision is allowed a total sign area of 375 square feet. The size of any off-site sign shall not exceed 35 square feet. The size of any on-site sign shall not exceed 200 square feet.~~

~~(2) Height – The maximum height of any subdivision sign shall be according to Figure 1, but in no case more than twenty (20) feet. The height of such signs shall be measured from the average level of the natural ground below the sign to the highest point of any portion of the sign, frame or support structure.~~

~~FIGURE 1~~

~~(3) Spacing – Subdivision signs shall not be located closer than 200 feet to the next sign regulated under this Article as measured parallel to the street. This requirement shall not apply where signs are separated by a street.~~

~~(4) Flanking – No more than two (2) signs may be flanked in any one location. Flanking means to place signs side by side perpendicular to the street.~~

~~(e) MULTI-FACED SIGNS~~

~~(1) Multi-faced Signs – In order to prevent the proliferation of signs, multi-faced signs are encouraged. Double faced signs are permitted a total of four (4) sign areas, three-faced signs are permitted a total of six (6) sign areas, and four-faced signs are permitted a total of eight (8) sign areas, as shown in Figure 2.~~

~~FIGURE 2~~

~~(2) Use of Multi-Faced Signs – If more than one side of a multi-faced sign is used by the same subdivision, it shall be counted as one sign. If the sides of a multi-faced sign are used by a different subdivision, each face shall be counted as one sign for each subdivision.~~

~~(f) SUPPLEMENTARY SIGNS – The Building Official at his sole discretion may approve two (2) supplementary signs for subdivisions which do not have frontage on any of the streets specified in Section c(1). The purpose of these supplementary signs is to help the public in finding the subdivision via the shortest possible route and thus avoid unnecessary traffic on local residential streets. Supplementary signs shall be limited to two (2) feet by four (4) feet in size and shall not exceed six (6) feet in height. The copy of the supplementary signs shall be limited to the name of the subdivision and directional information. The area of signs permitted under this Section shall be in addition to the total sign area as established in Section 3350d of this Article.~~

~~(g) PROCEDURES FOR SIGN APPROVAL AND REMOVAL~~

~~(1) Applications for signs regulated under Section 3350 shall be submitted to the Building Division.~~

~~(2) Applications for sign approval shall include the following:~~

~~(a) A plot plan showing the location of the proposed sign, the dimensions of the parcels of land upon which such sign is to be erected, the location within the City, and the location of~~

~~any other sign regulated by this Article within 200 feet of the proposed sign.~~

~~(b) A scale drawing of the proposed sign and all writing or copy to be included on the sign.~~

~~(c) A scale drawing of the structural design of the sign.~~

~~(d) The written consent of the owner of the land where the sign is to be located, including permission for the City to enter upon the property in order to inspect and/or remove the sign.~~

~~(3) Structural Requirements – The Building Official may deny the application if a sign does not meet structural design requirements.~~

~~(4) Terms for Which Signs Are Permitted – All sign permits issued under Section 3350 shall be issued for a period of one year. The Building Official may grant yearly extensions for good cause upon written requests by the applicant. The Building Official shall deny an application for extension for any sign which has become nonconforming with any provision of this Section.~~

~~(5) Sign Removal – Signs shall be removed by the applicant within ten (10) days from the expiration of a valid sign permit. Single-faced signs or multi-faced signs used by the same subdivision shall be physically removed including the structural supports. Removal of individual signs on multi-faced signs used by two different subdivisions shall be accomplished by either painting the sign surface in a neutral color or by removing the sign panel.~~

~~The Building official may cause the removal of a sign without a valid permit, if the applicant does not remove such sign or bring it into conformance with this Article within 30 days of a written notice from the Building Official to the applicant.~~

~~(6) Cash Deposit – Prior to the approval of a sign permit by the Building Official, the applicant shall deposit with the City a cash escrow in the amount and for the purpose established by City Council resolution. Only one cash deposit shall be required from each applicant, and said deposit shall serve as security for all signs maintained by each applicant and regulated under Section 3350 of this Article.~~

~~The Building Official is authorized to draw on a deposit to pay for any City expenses incurred in the enforcement of this Section in accordance with the purpose and procedures as established by City Council resolution. The applicant shall replenish the deposit to the required amount within thirty (30) days after the City's mailing of a notice to the applicant that the deposit is below the required amount. Failure to replenish the deposit will be deemed cause to declare all sign permits of the applicant invalid.~~

~~(7) Sign Modification Permit – Any sign not in conformance with the provisions of this Section may be approved by the Planning Commission upon application and subject to the procedures and requirements for issuing a Sign Modification Permit.~~

~~(h) EFFECT OF ARTICLE ON PRE-EXISTING SIGNS – Any subdivision sign which was legally in existence at the effective date of this Article shall be brought into conformance with all provisions of this Article within two (2) years of the effective date of this Article.~~

~~(i) WEEKEND TEMPORARY DIRECTIONAL SIGNS – Temporary weekend directional signs giving directions to subdivisions located in the City of Oceanside will be subject to the following design standards:~~

~~(1) Signs shall not exceed four (4) square feet.~~

~~(2) Signs shall not be placed in an area that would block or create a traffic hazard.~~

~~(3) Signs shall not be placed earlier than 5:00 p.m. on a Friday and must be removed by 7:00 p.m. on Sunday evening.~~

~~(4) No more than one sign advertising a subdivision may be located within 50 feet of another sign advertising the same subdivision.~~

~~(5) The copy of these signs shall be limited to the name of the subdivision and an arrow indicating direction.~~

~~(j) MODEL HOME ADVERTISING – The following on-site advertising for model homes shall be permitted without applying for a sign permit.~~

~~(1) Signs identifying individual model homes, not exceeding 10 square feet per sign and placed near the entrance of the model home.~~

~~(2) Directional signs, not exceeding 10 square feet per sign, for vehicular and pedestrian traffic in the model home area.~~

~~(3) Flags on the model home site, provided they are kept in good repair at all times. Torn flags shall be replaced.~~

~~All advertising for model homes shall be removed when the model home site is closed for more than three months.~~

~~Section 3375: PROHIBITED SIGNS~~

~~(a) ILLEGAL SIGNS – An illegal sign is that which is first erected without government approval or permits, or a non-conforming sign which has exceeded its authorized abatement period. No person shall erect or permit to be erected any illegal sign.~~

~~(1) Upon determination that a sign is illegal, the enforcement official shall issue written notice to the owner and/or user of the sign, in the~~

~~form of a warning, wherein the owner and/or user has thirty (30) days to remove the sign, or obtain the proper permit if applicable.~~

~~(2) If the illegal sign is not removed and a permit is not obtained within thirty (30) days the owner and/or user will be guilty of an infraction, and the enforcement officer will issue a citation. A fine not exceeding Fifty Dollars ($50.00) will be assessed for the first violation.~~

~~(3) If the illegal sign is not removed within a reasonable time after the first citation is issued, a second citation will be issued by the enforcement officer. A fine not exceeding One Hundred Dollars ($100.00) will be assessed for the second violation.~~

~~(4) If the illegal sign is not removed within a reasonable time after the second citation is issued, a third citation will be issued by the enforcement officer. A fine not exceeding Two Hundred Fifty Dollars ($250.00) will be assessed for the third violation and will continue to be assessed each day thereafter, until the sign is removed.~~

~~(b) NONCONFORMING SIGNS – A nonconforming sign is that which was legal when first erected, with all necessary permits, but due to a change in the law it became nonconforming.~~

~~(1) A legal nonconforming sign shall immediately lose its legal nonconforming stature if:~~

~~(i) The sign is altered in structure which tends to or makes the sign less in compliance with the requirement of this code than it was before the alteration; or~~

~~(ii) The sign structure is relocated to a position making it less in compliance with the requirement of this code.~~

~~(iii) The sign is replaced.~~

~~On the happening of any one of (i) – (iii), the sign shall be immediately brought into compliance with this code with a new permit secured therefor, or shall be removed.~~

~~(2) Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this code regarding safety, maintenance, and repair of signs, provided, however, that any maintenance or repair of the sign or sign structure shall not modify the sign structure in any way which makes it more nonconforming.~~

~~(3) Upon determination that a sign is nonconforming, the enforcement officer will issue written notice to the owner or user of the sign or to the owner of the property on which the nonconforming sign is located, requiring conformance or removal therefor if unable to conform. If, after a reasonably diligent attempt to serve written notice, the owner and user have not received notice, then the City must either post the notice or publish the notice in a local newspaper which is customarily used for notice by the City.~~

~~(4) Notwithstanding any other provisions of this Article, no nonconforming sign shall be compelled to be removed or abated without the payment of fair and just compensation by the City.~~

~~(5) Fair and just compensation is presumed to be paid upon the total payment to the sign owner or user of the fair market value of the sign as of the date that written notice was given.~~

~~(6) Fair market value consists of the actual cost of removal of the sign, the actual cost to repair damage caused to the real property~~

~~thereon as a result of the removal, and the actual cost to duplicate the sign as of the date that written notice was given.~~

~~(7) As an alternative, the City may pay fair and just compensation to the owner or user of the sign by paying the actual replacement cost for a sign that will conform with all the laws in effect that are applicable to the premises. This alternative will include as part of the actual replacement cost, the actual cost for removal of the nonconforming sign and the actual cost to repair damage caused to the real property thereon as a result of the removal.~~

~~(8) For purposes of this section every sign has a useful life of fifteen (15) years. The owner or user of the sign is entitled to fair and just compensation for the entire fifteen (15) year period. However, upon the sale or assignment of the business premises to another, the amortization period ceases and the rights to amortization payments do not transfer and are not assignable to the new owner.~~

~~(9) Signs removed during the fifteen (15) year period and before the amortization period has lapsed shall be entitled to fair and just compensation which is equal to 1/15 of the fair market value of the sign multiplied by the number of years remaining in the amortization period.~~

~~(c) ABANDONED SIGNS – An abandoned sign is that which use is discontinued because the premises upon which it is located becomes vacated and unoccupied for a period of more than ninety (90) days. A sign is not abandoned if it is a conforming sign and its owner and/or user reasonably intends to use it or to have it used after the sale or assignment of the premises. Objective manifestations of intent to use the sign must be shown by the owner and/or user in order for a vacated sign to be considered not abandoned.~~

~~(1) No person, firm or corporation shall abandon any sign anywhere in the City. Upon the enforcement official's determination that a sign is abandoned, the enforcement official shall give written notice in the form of a warning to the owner and/or former user of the abandoned sign. If, after a reasonably diligent attempt to serve written notice, the owner and former user have not received notice, then the City must either post the notice or publish the notice in a local newspaper which is customarily used for notice by the City.~~

~~(2) The owner and/or former user then has thirty (30) days in which to request a public hearing from the City Council.~~

~~(3) After the public hearing, if the City Council affirms that the sign is abandoned, the sign must be removed by the owner and/or former user within thirty (30) days. The owner and/or former user is responsible for the cost of removing an abandoned sign.~~

~~(4) If the abandoned sign is not removed by the expiration of the specified time, such sign is hereby declared to be a public nuisance, and the continued existence of such sign is declared to be unlawful.~~

~~(5) The Building Official or other Public Official is authorized and directed to proceed in summary abatement of the sign after it is declared a public nuisance. The Building Official or Public Official must cause such sign to be removed by City forces or private contract, and is authorized to enter on the premises for such purpose.~~

~~(6) The Building Official or other relevant Public Official shall itemize all costs involved in the summary abatement. The City Council shall determined whether the cost of the abatement is reasonable and correct, and then mail a copy of the itemized costs to the owner and/or former user of the sign. The total cost of the abatement of~~

~~such nuisance shall constitute a special assessment against the parcel of land to which it relates, and upon recordation in the Office of the County Recorder of a notice of a lien, shall constitute a lien on said parcel for the amount of such assessment.~~

~~(d) DISPLAY WITHOUT PERMISSION OF OWNER OR LESSES – It is unlawful for any person to place or cause to be placed, or to maintain or cause to be maintained any sign without the lawful permission of the owner or lessee of the property upon which the sign is located.~~

~~(1) Any person who knows or should reasonably know that any sign which that person owns or uses is placed without the lawful permission of the owner or lessee of the property upon which the sign is located shall be given written notice by the enforcement official in the form of a warning, wherein the owner and/or user of the sign has thirty (30) days to remove the sign.~~

~~(2) If the sign is not removed within thirty (30) days the owner and/or user of the sign will be guilty of an infraction, and the enforcement officer will issue a citation. A fine not exceeding Fifty Dollars ($50.00) will be assessed for the first violation.~~

~~(3) If the sign is not removed within a reasonable time after the first violation is issued, a second citation will be issued by the enforcement officer. A fine not exceeding One Hundred Dollars ($100.00) will be assessed for the second violation.~~

~~(4) If the sign is not removed within a reasonable time after the second citation is issued, a third citation will be issued by the enforcement officer. A fine not exceeding Two Hundred Fifty Dollars ($250.00) will be assessed for the third violation, and will continue to be assessed each day thereafter, until the sign is removed.~~

~~(e) PUBLIC PROPERTY LIMITATIONS – No person shall place, paint or secure any lettering, advertisement, card, poster, sign or notice of any kind or cause same to be done, on any curb, sidewalk, post, pole, lamp post, hydrant, bridge, tree or other surface located on public property except such signs as may herein be lawfully required or authorized.~~

~~(1) Any person who knows or should reasonably know that any sign which that person owns or user is located on pubic property shall be given written notice by the enforcement official in the form of a warning, wherein the owner and/or user of the sign has no more than ten (10) days to remove the sign.~~

~~(2) The enforcement official is hereby given discretion to decide the time allowed for removal on a case by case basis, but in no event shall the period for removal be more than ten (10) days, nor less than twenty-four (24) hours. In determining the time period allowed for removal, the enforcement official shall consider all the circumstances surrounding the particular sign's use. For example, if the sign were an A-frame type sign located on public property, then the minimum time period might be allowed for removal since the sign presumably could be removed quickly and easily. If, on the other hand, the sign was large and/or attached by construction onto pubic property, then the maximum time period might be allowed for removal since the sign presumably could not be removed quickly and easily.~~

~~(3) If the sign is not removed by the expiration of the specified time, such sign is hereby declared to be a public nuisance, and the continued existence of such sign is declared to be unlawful.~~

~~(4) If the sign is not removed by the expiration of the specified time, the owner and/or user of the sign will be guilty of an infraction and the~~

~~enforcement officer will issue a citation. A fine not exceeding Fifty Dollars ($50.00) will be assessed for the first violation.~~

~~(5) If the sign is not removed within a reasonable time after the first violation is issued, a second citation will be issued by the enforcement officer. A fine not exceeding One Hundred Dollars ($100.00) will be assessed for the second violation.~~

~~(6) If the sign is not removed within a reasonable time after the second citation is issued, a third citation will be issued by the enforcement officer. A fine not exceeding Two Hundred Fifty Dollars ($250.00) will be assessed for the third violation, and will continue to be assessed each day thereafter, until the sign is removed.~~

~~(7) The Building Official or other relevant Public Official is authorized and directed to proceed in summary abatement of the sign after it is declared a public nuisance. The Building Official or Public Official must cause such sign to be removed by City forces or by private contract.~~

~~(8) The Building Official or other relevant Public Official shall itemize all costs involved in the summary abatement. The City Council shall determine whether the cost of the abatement is reasonable and correct, and then mail a copy of the itemized costs to the owner and/or user of the sign. The total cost of the abatement of such nuisance shall be paid by the owner and/or user of the sign. In the event of nonpayment by the owner and/or user of the sign, the City shall attempt to collect the abatement costs in the regular manner that it collects on other outstanding judgments.~~

~~(f) HAZARDOUS OR UNSAFE SIGNS – A hazardous or unsafe sign is that which is determined by the enforcement official to pose an immediate threat to the public health, safety, or general welfare.~~

~~(1) Any person who knows or should reasonably know that any sign which that person owns or uses is hazardous or unsafe shall be given written notice by the enforcement official in the form of a warning, wherein the owner and/or user of the sign has no more than ten (10) days to remove the sign, or remedy the deficiency if feasible.~~

~~(2) If the sign is not removed nor the deficiency remedied by the expiration of the specified time, such sign is hereby declared to be a pubic nuisance, and the continued existence of such sign is declared to be unlawful.~~

~~(3) If the sign is not removed by the expiration of the specified time, the owner and/or user of the sign will be guilty of an infraction, and the enforcement officer will issue a citation. A fine not exceeding Fifty Dollars ($50.00) will be assessed for the first violation.~~

~~(4) If the sign is not removed within a reasonable time after the first violation is issued, a second citation will be issued by the enforcement officer. A fine not exceeding One Hundred Dollars ($100.00) will be assessed for the second violation.~~

~~(5) If the sign is not removed within a reasonable time after the second citation is issued, a third citation will be issued by the enforcement officer. A fine not exceeding Two Hundred Fifty Dollars ($250.00) will be assessed for the third violation, and will continue to be assessed each day thereafter, until the sign is removed.~~

~~(6) The Building Official or other relevant Pubic Official is authorized and directed to proceed in summary abatement of the sign after it is declared a public nuisance. The Building Official or Public Official must cause such sign to be removed by City forces or by private contract, and is authorized to enter on the premises for such purpose.~~

~~(7) The Building Official or other relevant Public Official shall itemize all costs involved in the summary abatement. The City Council shall determine whether the cost of the abatement is reasonable and correct, and then mail a copy of the itemized costs to the owner and/or user of the sign. The total cost of the abatement of such nuisance shall be paid by the owner and/or user of the sign. In the event of nonpayment by the owner and/or user of the sign, the City shall attempt to collect the abatement costs in the regular manner that it collects on other outstanding judgments.~~

~~(g) RIGHT OF ENTRY – When it is necessary to make an inspection to enforce the provisions of this Article, or when the Building Official has reasonable cause to believe that there exists any sign or a condition which makes such sign unsafe, abandoned, illegal or nonconforming, the Building Official is authorized to enter the lot, building, or premises on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed by this Article.~~

~~(h) DENIAL OF NEW SIGN – No new sign permit will be issued for a use until all illegal signs have been removed.~~

~~(i) NOTICE – For purposes of this Section, written notification deposited in the U.S. Mail, or personal delivery, or posting, or publication in a local newspaper shall constitute proper notice.~~

~~(j) CONFLICT AND SEVERABILITY – If any portion of this code is found to be in conflict with any other provision of any zoning, building, fire safety or health ordinance of the code of the City, the provision which establishes the higher standard shall prevail.~~

~~The provisions of this code are severable. If any section, subsection, sentence, clause or phrase of this code or its application to any person or circumstance is held invalid by the decision of any court of competent~~

~~jurisdiction, the remainder of this code is in and shall remain in full force and effect.~~

Article 33A Signs

Sections:

3301 Title, Purposes and Intent
3302 Basic Principles
3303 Definitions
3304 Signs Allowable Subject to Sign Permit
3305 Prohibited Signs
3306 General Sign Standards
3307 Procedures for Sign Approval
3308 Non-Conforming Signs
3309 Enforcement
3310 Severability

3301 Title, Purposes and Intent

A. Title

This Article may be known as the Sign Ordinance of the City of Oceanside, California.

B. Purposes

This Article establishes a comprehensive system for the regulations of signs, as defined herein, within the defined regulatory scope of this Article, in the City of Oceanside, California.

C. Intent

By adopting this Article, the City intends to balance several competing interests, including: (1) to regulate signs in a constitutional manner, with rules that do not regulate protected noncommercial speech by content or favor commercial speech over noncommercial speech; (2) to provide adequate opportunity for persons to express themselves by displaying an image or message on a sign; (3) to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing commercial/industrial districts; (4) to minimize distraction, obstruction or other impediments to traffic circulation which would be caused by excessive or inappropriately placed signage; (5) to safeguard and preserve the health, property, and public welfare of Oceanside residents by regulating the physical design, location, and maintenance of signs; and (6) to provide a method for abatement of illegal and abandoned signs.

3302 Basic Principles

A. Authority

This Article is adopted pursuant to the California Constitution Article XI, Section 7; the City's Charter; and general and police powers, California Government Code Sections 65000 *et seq.*, 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 *et seq.*, 5230, and 5490 *et seq.*, 13530 *et seq.*, 13540, Penal Code 556 *et seq.*, and other applicable State laws.

B. Regulatory Scope

This Article regulates signs, as defined herein, which are located on or displayed from, private property located within corporate limits of the City, as well as signs located on public property owned by public agencies other than the City, its Redevelopment Agency and other affiliate entities, over which the City has land use regulatory authority. Signs on City property, as defined herein, are regulated by Article 33 B.

C. Owner's Consent

No sign may be displayed on private property without the consent of the property owner or person holding the present right of possession and control of the property.

D. Noncommercial Messages

There is no location criterion for noncommercial messages that are protected by the First Amendment to the U.S. Constitution and/or the corollary provisions of the California Constitution.

E. Message Substitution

Subject to the land owner's consent, any constitutionally protected noncommercial message may be substituted for any duly permitted or allowed commercial message, or any duly permitted or allowed noncommercial message, provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting.

F. Compliance Required

Signs, as defined herein, may be displayed within the

City only in compliance with the rules stated in this Article and all other applicable laws, rules and regulations and policies. When a permit is required, an application will be approved if it conforms to all applicable laws, rules regulations and policies. If the application does not comply, then it will be denied in a written decision which specifies all points of noncompliance. The decision on the sign permit application shall be rendered within 45 calendar days of when the application is complete and all applicable fees are paid. Applications will be processed according to the procedures stated in Section 3307 of this Article.

G. Permit Generally Required

Unless exempted from the sign permit requirement, all signs shall be installed or displayed only pursuant to a sign permit issued by the City.

H. Discretionary Approvals

Whenever a sign or a proposed sign is subject to any discretionary review, permit, or approval, such discretion may be exercised only as to the compatibility of the sign within its location, and other structural, architectural and locational factors. Discretion may not be exercised as to the artistic merit or graphic design elements of the proposed sign or the message itself so long as such message is not excluded from First Amendment (U.S. Constitution) protection under relevant court decisions.

I. Administrator Interpretations

All interpretations of this Article shall be exercised in light of message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Building Code, as adopted by the City of Oceanside, then the Planning Commission or City Planner, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Article.

J. Compatibility factors

In determining compatibility of a sign with its surrounding environment, the following criteria may be considered: (1)Style or character of existing

improvements upon the site and properties adjacent to the site; (2)Visual elements such as construction materials, physical design details, and the number and spacing of signs in the area; (3)The sign's height, size and location, in relation to its proposed location and use; (5)Potential effect of the proposed sign on driver and pedestrian safety; (6)Potential blocking of view (whole or partial) of a structure or façade or public view of natural, historical or architectural significance; (7)Potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks; (8) Potential negative impact on visual quality of public spaces, including but not limited to recreation facilities, public squares, plazas, courtyards and the like; (9) Whether the sign structure will impose an aesthetically foreign or inharmonious element into the existing skyline or local viewscape.

K. Billboard Policy

New billboards, as defined herein, are prohibited. It is a fundamental land use policy of the City to completely prohibit the construction, erection or use of any and all billboards, other than those which legally exist in the City, for which a valid permit has been issued and has not expired, as of the date on which this chapter, or when a prior version of this chapter containing a provision to the same effect, was adopted. In adopting this chapter, the City Council affirmatively declares that it would have adopted this policy even if it were the only provision in this chapter. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This prohibition does not apply to agreements to relocate presently existing legal billboards as encouraged by State law including, but not limited to, Business and Professions Code Section 5412, as that section may be amended from time to time.

3303 Definitions

For purposes of this Article, the following definitions shall apply:

ABANDONED SIGNS
A sign is deemed abandoned when for a period of 90 days or more, any of the following conditions are met: 1)there is no sign copy appearing on the sign, or

2)where the establishment with which the sign is associated has ceased operation, or 3)where it is clear that the sign has been forsaken or deserted. Any sign which is a conforming sign not in use, but which could be re-used in conjunction with the ownership or operation of a new business on a property, shall not fall under the definition of abandoned.

ALTERATION
Any change of size, shape, illumination, position, location, construction or supporting structure of an existing sign.

ANIMATED SIGN
A sign with action or motion, rotating, flashing or color changes, not including sign elements that are actuated by wind or forced or accelerated air or gas, such as flags, banners, streamers, whirligigs or other similar devices. Digital display (Electronic Message)signs that expose messages for 8 seconds or more and do not appear to be in motion nor change in intensity (other than between day and night) are not within this definition.

BANNER
Any sign of lightweight fabric or similar material that is attached to a building or other structure, and used for advertising and/or attention getting. Flags are not within this definition.

BILLBOARD
A permanent sign structure in a fixed location which meets any one or more of the following criteria: 1)It is used for the display of off-site commercial messages; 2)it is used for general advertising; 3)the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operators(s) of the sign; 4)the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

BUILDING COMPLEX
A building or group of buildings on one or more lots or building sites containing three or more separate businesses or industrial uses and sharing common parking facilities.

BUILDING FACE
The outermost surface of any exterior wall of a building, but not including cornices, bay windows, balconies, or other architectural features which extend beyond the general outermost surface of such exterior wall.

CANOPY SIGN
Any sign that is part of a projecting awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window or outdoor service area.

CHANGEABLE COPY SIGN
A sign on which it is possible to change the display copy by hand or with ordinary hand tools, or by electronic control.

CITY PROPERTY
Any parcel of land that is owned or controlled by the City of Oceanside, or any of its related entities, or that is within the public right-of-way. Land and facilities over which the City holds the present right of possession and control are within this definition.

COMMERCIAL MASCOT
A person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes "sign twirlers", "sign spinners", "sign clowns", "sign walkers", "human directional", and human "sandwich board" signs.

COMMERCIAL SPEECH
Any message which proposes a commercial transaction or primarily concerns the economic interests of the message sponsor and/or the viewing audience. Also known as "commercial message".

CONSTRUCTION SITE SIGN
A sign that is displayed on the site of a construction development project during the period of time of actual construction.

CORNER CLEAR ZONE
The area at a street corner inscribed by a line drawn between points established by measuring back 15 feet from the beginning of the curb radius along the curb line, or edge of pavement when there is no curb, and the face of the curb or edge of pavement.

COURTESY SIGN
A sign whose message provides functional information for the convenience of the public, such as hours of operation, open/closed, credit cards accepted, entrance and exit locations and restroom directions.

DIGITAL DISPLAY
"Digital display" means display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image.

DIRECTIONAL SIGN
A sign whose message provides directional information for drivers and pedestrians.

DORMER
A structure located above the height of a wall projecting from a sloping roof that is enclosed on both sides and top, and does not project above the top of the roof structure.

DWELLING UNIT
Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.

ELECTION PERIOD
That period of time which begins 30 days before a special, general, or primary election in which at least some registered voters in the City are eligible to vote, and ends 5 days after such election.

ELECTRONIC MESSAGE
A sign using electronic or digital technology, including but not limited to LED (light emitting diodes) or CCD (charge emitting diodes) or plasma, or their functional equivalent, which is capable of displaying, changing or changeable images.

ENFORCEMENT OFFICER
Any City official or agent designated by the City Manager as having authority to enforce the provisions of this Article.

ESTABLISHMENT
Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the

meaning of establishment, however, once a certificate of occupancy has been issued or once residency begins.

FEATHER BANNER
"Feather banner" or "feather banner sign" means a flexible pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

FLAG
A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol. Well known symbols that are commonly placed on flags, when placed on a solid surface, such as a wall or door, are not within this definition.

FREESTANDING SIGN
A sign which is self supported by mounting on the ground, in contrast to being attached to and/or supported by some other structure, such as a wall, door or window. Common types include pole signs, ground signs and monument signs.

GARAGE SALE SIGN
A sign whose message concerns short-term rummage, estate, boutique or garage sales of used or handmade common household items from a residential property.

GENERAL ADVERTISING
The enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or onsite advertising. Also known as "advertising for hire" or "general advertising for hire".

GROUND SIGN
Any freestanding sign greater than 6 feet in height and supported wholly by uprights, braces, or poles in or upon the ground and where any supports or angle irons are enclosed in a wood, plastic, metal or other decorative form, such that the angle irons or supports are not visible. The entire bottom of a ground sign is generally in contact or in close proximity to the ground.

HEIGHT
The height of any sign shall be the measurement of the distance from the top of the sign structure including all ornamentation and supports, to the existing grade beneath the sign.

HISTORIC MARKER
Signs or markers placed, approved or authorized by the City, State or Federal Government to be located on historic sites, points, or structures, or which describe directions to such from prominent visible locations within the public right-of-way.

ILLEGAL SIGN
A sign that was installed without proper City or other approvals and/or permits at the time it was initially installed, and which has not been legalized by later action. This definition also includes a sign that was erected in conformance with all applicable laws, rules, and regulations in effect at the time of installation, but which was subsequently altered so as to be out of compliance with applicable law, including the terms of permits which authorized construction. All signs described in Business and Professions Code Section 5499.1 and defined therein as an "illegal on-premises advertising display" are also within this definition.

ILLUMINATED SIGN
Any sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or brightening the sign area. This definition does not include signs lit only by ambient lighting.

INSTITUTIONAL
Uses whose primary function is furtherance of the public health, safety and welfare, generally, but not exclusively non-commercial in nature, including, but not limited to the following: hospitals and similar health care facilities, airports, cemeteries, recreational clubs and lodges, museums, theaters and similar cultural institutions, churches and similar religious institutions, detention facilities, fire and police stations, emergency shelters, marinas, parks and similar recreational facilities, schools and similar educational institutions, public utility facilities other than business offices.

INFLATABLE SIGNS AND ATTENTION GETTING DEVICES
Any advertising device which is filled or activated by air or gas and is located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purposes of signage, advertising, or attention-getting.

LEGAL NON-CONFORMING SIGN
A sign which was legal when first erected, with all necessary permits, but due to a change in the law it became nonconforming.

LOT
Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

LOT FRONTAGE
Those portions of a lot or building site which abut a public street. For purposes of determining frontage on corner lots and through lots, all sides of a lot abutting a public street (excluding an alley) shall be considered frontage.

MARQUEE
A permanent roofed structure attached to and supported by the building and projecting beyond the building face.

MONUMENT SIGN
A freestanding sign not exceeding 6 feet in height which is supported by a base which extends the entire length of the sign area and is an integral part of the design.

MULTI-FACED SIGN
A sign with two or more sign faces where any two sign faces are oriented such that they have an interior angle of greater than 45 degrees from each other.

NON-COMMERCIAL SPEECH
A constitutionally protected message that is not commercial in nature and which presents debate or commentary on topics of public interest and concern, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. The onsite/off-site signage distinction does not apply to non-commercial messages or signs displaying them.

NON-STRUCTURAL TRIM
The molding, battens, caps, nailing strips, lattice, cutouts, or letters and walkways which are attached to the sign structure.

ON-SITE COMMERCIAL SIGNAGE
A sign that advertises the commercial business, accommodation, services or activities provided on the

premises on which the sign is located, or expected to be provided in the near future. In the case of developments subject to a sign program, all establishments subject to the program are considered onsite whenever located within any area covered by the program. Similarly, all establishments within a shopping center are onsite as to any sign(s) also located within the shopping center. As to construction signs, "onsite" includes messages related to any and all parties involved in the specific construction project.

PERMANENT SIGN
A sign which is constructed of rigid material and is securely attached to a building, wall, fence, sign structure or into the ground, and is designed for and intended to be on display long term. All signs described in Business and Professions Code 5499.1(b) as "on-premises advertising displays" are within this definition.

PERMITTED SIGN
A sign which may be displayed only with a sign permit issued pursuant to this Article. Also called "signs subject to permit requirements".

POLE SIGN
A sign wholly supported by one or more poles and otherwise separated from the ground by air.

PROHIBITED SIGNS
A signs specified within this Article as prohibited, or prohibited by other bodies of law.

PROJECTING SIGN
A sign which projects more than 12 inches from the exterior face of a building wall or facade and which uses the building wall as its primary source of support.

PROJECT ENTRANCE SIGN
A permanent sign located near the entrance to a housing complex, mobile home park, condominium subdivision or other residential subdivision which was developed with a neighborhood name, or is operated under a community name.

PROTECTED
A message that is within the protection of the First Amendment of the United States constitution and/or corollary provisions of the California constitution, and has not been excluded from such protection by court decisions.

PUBLIC SERVICE SIGN
A non-commercial sign that provides general information that benefits the public, such as time and temperature.

ROOF SIGN
A sign erected upon or above a roof or a parapet of a building or structure, and not contained within a dormer.

SETBACK AREA
That area defined as the "required minimum yard" as specified by the Zoning Ordinance for each Zoning District, unless a specific setback is designated within this Article. Also called "required setback".

SIGN
The public display of a visual image, which is intended to be communicative, and which advertises, informs, projects, displays, or identifies persons, businesses, commodities, services, ideas or information, when such image is visible from any portion of the public right-of-way or from any exterior place which is open to the public. This definition includes, but is not limited to all writing, trademarks, graphic design elements, illustrations and lighting primarily directed at facilitating communication, as well as all supporting structures. Notwithstanding the generality of the foregoing, the following are not within the definition of sign:

1. Such devices not exceeding one square foot in area and bearing only property numbers, post box number, names of occupants, or other similar identification on a site.

2. Flags as defined in Section 3303 of this Article.

3. Legal notices, identification, informational or directional/traffic controlling devices erected or required by government agencies.

4. Decorative or architectural features of buildings, (not including lettering or trademarks or moving parts) which do not perform a communicative function (examples include color stripes around an office building or retail store).

5. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for no more than 45 calendar days per year (cumulative, per dwelling unit) and which do not

include commercial messages.

6. Government traffic controlling devices are not considered signs for purposes of this Article due to their distinct purpose.

7. Aerial banners towed behind aircraft.

8. Automated teller Machines (ATMs, when not used for general advertising).

9. Cornerstones and foundation stones.

10. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter.

11. Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased.

12. Historical monuments, plaques and tablets.

13. Inflatable gymnasiums associated with legal residential uses - inflatable, temporary, moveable gymnasium devices commonly used for children's birthday parties, and similar devices (also called "party jumps" or "bounce houses"), including balloons.

14. Interior graphics - visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof.

15. California State Lottery signs, approved by the Lottery Commission for display by Lottery Game Retailers, in accordance with the California Government Code.

16. Manufacturer's marks - marks on tangible products, which identify the maker, seller, provider o product, and which customarily remain attached to the product even after sale.

17. Mass transit graphics - graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the City.

18. Searchlights used as part of a search and rescue or other emergency operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special events).

19. Shopping carts, golf carts, horse drawn carriages, and similar devices (any self-propelled or motorized vehicle which may be legally operated upon a public right-of-way is not within this exclusion).

20. Symbols embedded in architecture - symbols of non-commercial organizations or concepts including but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary.

21. Vehicle and vessel insignia - on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel. All other vehicle signs on: 1)vehicles parked on public right-of-way are not permitted and 2) vehicles parked on private property will count toward the total allowable display area.

SIGN AREA

The entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, through signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

SIGN COPY

Any words, letters, numbers, figures, designs or other symbolistic representation incorporated into a sign with the purpose of attracting attention to the subject matter.

SIGN FACE
The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

SIGN STRUCTURE
Any structure that supports or is capable of supporting any sign as defined in this Section. A sign structure may be a single pole and may or may not be an integral part of the building.

SITE
A lot, or group of contiguous lots, with or without development, in single ownership, or having multiple owners, all of whom join in an application for signage.

STREET
A public or private highway, road or thoroughfare which affords the principal means of access to adjacent lots.

TEMPORARY MESSAGE
A message that pertains exclusively to a special event which occurs on, or ends on, a particular day.

TEMPORARY SIGN
A sign that is constructed of lightweight or flimsy material, and is easily installed and removed using ordinary hand tools. Any sign that qualifies as a "structure" under the Building Code is not within this definition.

WALL SIGN
Any sign attached to, erected against, or painted or inscribed upon the wall of a building or structure, with the exposed face of the sign on a plane parallel to the plane of said wall and not located above the roof line, parapet or facade (except when enclosed within a dormer), which does not project more than 12 inches from the building wall.

WINDOW SIGN
Any sign or combination of signs in excess of four (4) square feet, displayed on or behind a window or similar opening in wall.

3304 Sign Allowable Subject to Sign Permit

Signs are permitted under the various use classifications or locations as specified in A through F of this Section 3304.

A. Industrial, Institutional or Commercial Use - Permanent Signs

The following types of signs may be mounted, erected, installed and displayed on commercial, institutional and industrial uses, subject to a sign permit and the rules stated in this section. All commercial messages shall be onsite only.

1. Freestanding Signs

Freestanding sign types include pole signs, ground signs or monument signs.

a. Pole or Ground Signs

A pole or a ground sign may be permitted if all of the following design standards are met in addition to the General Design Standards contained in Section 3306:

Frontage Requirement: The site shall have a street frontage of at least 200 feet.

Number of Allowed Signs: The identification of a single use not located within a building complex will be limited to one freestanding pole or ground sign. The identification of uses located within a building complex will be limited to one freestanding pole or ground sign per each 1000 feet of street frontage provided that complexes with multiple street frontages may be allowed one secondary ground sign with a maximum height of 15 feet provided the total allowable sign area is not exceeded. No individual use located within a building complex will be permitted to have its own freestanding pole or ground sign.

Sign Area: The total sign area of all freestanding pole or ground signs for a single building or a building complex shall not exceed the following:

Total Building(s)Area	Total Sign Area
0-10,000 sq.ft.	50 sq.ft.
10,001-20,000 sq.ft.	100 sq.ft.
20,001- 50,000 sq.ft.	150 sq.ft.
50,001- 100,000 sq.ft.	200 sq.ft.
100,001- 200,000 sq.ft.	250 sq.ft.
Over 200,000 sq.ft.	300 sq.ft. max.

Sign Height: The height of a freestanding pole or ground sign shall not exceed the following standards:

Total Building(s) Area	Total Sign Height
0-20,000 sq.ft.	20 feet
20,001 - 75,000 sq.ft.	25 feet
Over 75,000 sq.ft.	30 feet max.

Location: Freestanding pole or ground signs shall not be placed within a corner clear zone and shall be located so as to not create a pedestrian or traffic hazard.

b. Monument Signs

Freestanding monument signs may be permitted subject to following design standards in addition to the General Design Standards in Section 3306:

Building Complexes: Limited to one monument sign per each 250 feet of street frontage.

Single Use: Limited to one monument sign.

Frontage Requirement: Street frontage on a site where a monument sign is located must be at least 100 feet.

Sign Area: The sign area of a monument sign shall not exceed the following standards:

Building Area	Sign Area
0-10,000 sq.ft.	40 sq.ft.
10,001-25,000 sq.ft.	50 sq.ft.
Over 25,000 sq.ft.	60 sq.ft. max.

For the purposes of computing the area of a monument sign and to encourage better design, a border or frame shall not be counted as sign area provided such border or frame does not exceed an additional 25% of the sign area.

Sign Height: No monument sign including a frame, border or base shall exceed six (6) feet in height as measured from existing grade.

Sign Location: A minimum distance of 100 feet must be maintained between monument signs. Monument signs shall be placed within

a landscaped area. The sign shall not be placed within a corner clear zone, and shall be located as to not create a pedestrian or traffic hazard.

Sign Structure: The base of a monument sign shall be designed to be an integral part of the sign design, not merely a support. The base of a monument sign shall be solid.

2. Wall Signs

Wall signs are intended to be the primary signage for most uses. The following specific design standards shall apply in addition to the General Design Standards in Section 3306:

Sign Area: The maximum size of a wall sign, including a logo, shall be two (2) square feet of sign area for each lineal foot of building frontage. Frontage is computed on an individual basis in multi-tenant buildings. Building frontage shall be measured along that side of the building for which the sign is proposed.

Sign Length: Front Wall Signs - The length of the sign may be up to 70 percent of the building frontage, to a maximum of 50 feet.

Side and Rear Wall Signs - The length of the sign may be up to 50% of the building frontage, to a maximum of 30 feet.

Sign Copy - Letter height for wall signs shall be as follows:

Building Frontage Width	Letter Height
0-20 feet	18 inches
21-40 feet	24 inches
41-60 feet	30 inches
61-80 feet	36 inches
81-100 feet	42 inches
Over 100 feet	48 inches max.

Wall signs shall be limited to a maximum of two (2) lines of copy. The maximum letter height and/or sign face height shall be measured as the combination of both lines of copy, including the space between, or the distance between the top of the sign face and the bottom of the sign face.

Location: The top of the sign shall not project above the intersection of the wall and roof or parapet line. Wall signs shall be limited to two sides of a building.

3. Projecting Signs

Projecting signs shall not extend over the public right-of-way unless an encroachment permit is obtained from the City.

Sign Area: A projecting sign shall not exceed 30 square feet.

Number of Allowed Signs: Only one sign per use is allowed and shall only be allowed if the wall it is projecting from does not have any wall signs. (Exception: If a canopy is over the entrance to a use, a projecting sign may be allowed under the canopy at each entrance provided such sign does not exceed eight (8) square feet and the total projecting signage for the use does not exceed 30 square feet).

Sign Clearance: The bottom of any projecting sign shall be at least eight feet above the walkway.

4. Canopy Signs

Any signage on a canopy shall be included in the total allowable wall sign area for that use and must meet the sign area, length and copy standards for wall signs.

5. Window Signs

No more than 20 percent of the total window area for any one side of a building shall be used for permanent or temporary sign display.

6. Directional Signs

Directional signs shall be no more than three feet high and three square feet.

7. A-Frame and Other Portable Signs

A-frame and other portable signs shall be allowed to be erected and maintained subject to the standards of the "A-Frame and Portable Design Guidelines".

B. Residential Use

Signage for residential uses is allowed, unless specifically prohibited by this ordinance,~~)~~ if complying with the following standards:

1. Signs on Single and Multi-family Residences

Single family residential units may display signs as stated in this subsection, subject to the rules stated in this subsection. Such signs may be displayed without permits, unless the sign qualifies as a structure under the Building Code, in which case all building and other safety code rules apply.

Sign Area: At all times, the total display area of all signs shall not exceed 6 square feet; in the case of freestanding signs, area shall be measured on all sides and shall count separately. However, during the pre-election period, this allowable display area may be increased by 6 square feet.

Height: Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.

Number of signs: Not limited

Location: Not on public property or public right-of-way, or mounted on trees or vegetation.

Message types: Any protected non-commercial, real estate signs, garage sale signs. All other commercial messages are prohibited.

2. Project Entrance Signs

New housing developments may display signs as authorized by this subsection, subject to the rules stated in this subsection.

The signs authorized by this subsection are in addition to those authorized for individual dwelling units.

Number of Signs Allowed: Two signs per each main vehicular traffic entrance. The signs must be placed within a maintained landscaped area within an acceptable easement or open space lot authorized for signage.

Location: Near the main entrance to the project,

on private land. The signs must be placed at the main street intersection of the major entrances to the project in such a location as to not obstruct sight distance. Signs may not be located within a public right-of-way. Signs located in the corner clear zone shall not exceed 30 inches in height, nor create a traffic sight obstruction or other pedestrian or traffic hazard.

Size and Height: Thirty-two square feet (per side); four feet high.

C. Agricultural or Open Space Signs

The following signs are allowed:

1. Wall Signs

Wall sign area shall not exceed forty (40) square feet.

2. Monument Signs

Monument signs shall be not exceed forty (40) square feet, ~~n~~or six (6) feet in height. Monument signs shall be placed within a landscaped area.

D. Temporary Signage

The signs authorized by this section are in addition to the maximum allowable signage which is otherwise allowed for signage on a site or residential lot.

Height: Maximum height for freestanding temporary signs is 5 feet.

Number of signs: Unless otherwise stated, the maximum number of separate temporary signs is 4 for commercial, institutional or industrial uses, and 2 for residential, agricultural or open space uses.

Location: Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction hazard. Temporary signs shall not be posted on any tree, bush or other vegetation.

No offsite commercial messages: Temporary signage may not be used to display offsite commercial messages, or

to be used for general advertising for hire.

Time period: Commercial, Institutional or Industrial Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year ~~of~~ from one (1) to fifteen (15) days each period, per use. For building complexes, the combined number of temporary sign display periods shall not exceed five (5) per calendar year. Temporary sign display time periods may be combined consecutively on a site to allow for a total of up to 45 consecutive days of temporary sign display (up to 75 consecutive days for building complexes).

Residential, Agricultural, Open Space Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year from one (1) to fifteen (15) days each period, per each lot. Temporary sign display time periods may be combined consecutively on a lot to allow for a total of up to 45 consecutive days of temporary sign display.

Temporary Signs Displaying Protected Noncommercial Speech: Temporary signage used to display protected noncommercial speech is allowed at all times, however the sum of commercial and noncommercial speech temporary sign display area(s) at any given point shall not exceed the maximum area permitted.
During the election period, temporary noncommercial display area allowances may be increased to permit an unlimited number of signs. Sign area is limited to 16 square feet per sign for commercial and industrial uses, and 6 square feet per sign for residential, institutional, agricultural, or open space uses.

Exceeding time allowance: If the duration of temporary sign display of commercial messages exceeds the applicable maximum time period for temporary signs, then the sign shall be deemed permanent and the area thereof shall be counted against the allowable area for permanent signage for the site or lot. A sign installation permit must be obtained or the sign must be removed.

Sign area: Commercial, Institutional or Industrial Uses. The maximum allowable temporary sign area for a site, per time period, is the same as the allowable wall sign area. For the purposes of temporary sign area computation, the area of pennants, flags, streamers, whirligigs, and similar attention-getting devices not displaying written messages shall not be included.

Residential, Agricultural, Open Space Uses. The maximum allowable temporary sign area is six (6) square feet.

Owner permission: Permission of the owner of the premises on which the signage is located is required.

Balloons, inflatable signs or inflatable attention getting devices: In addition to the temporary signage permitted above, balloons or inflatable signs or devices shall be permitted subject to the following restrictions for usage:

- Such devices shall be allowed one time in the life of an establishment at a given location for a period of not more than 15 calendar days. Only one balloon or inflatable sign/device is permitted per establishment.

- All requirements of the "Balloons and Inflatable Signs or Attention Getting Device Guidelines" shall be met.

- Prior to use, all inflatable signs shall obtain a permit from the City Planner and Enforcement Officer. Permit requirements include submittal, review and approval of an application and payment of required fees. An application fee of $100 and a deposit of $400 are required for each application. Applications that satisfy all applicable laws, rules, regulations, policies and guidelines shall be approved.

Cost recovery: Whenever the City causes the removal of a temporary sign, for violation of applicable laws, rules etc., the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager or designee is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.

E. Signs within the Downtown "D" District

In addition to the sign regulations elsewhere in this Article, regulations stated in this section shall also apply in the "D" District. The height, width, depth, colors and design features, including lighting and structural support of all exterior signs shall be subject to the design objectives stated in this section. The purpose of this section is to assure compatibility of all signs with the architecture of buildings. Where conflict exists between City standards and the requirements of these regulations, the more restrictive shall apply.

1. Planned Commercial Development

a. Monument Signs

Signs may not exceed six feet (6') in height and shall be located in a landscaped area, the minimum size of which shall be no less than the size of the sign, measured on both sides.

b. Wall Signs

The maximum area of wall signs shall not exceed two (2) square feet of sign area for every lineal foot of occupant's primary frontage, but in no case exceeding 200 square feet.

c. Courtesy Signs

Up to two courtesy signs per occupant frontage, attached to the building or projection thereof, within the limits of each occupant's building frontage, is allowed, subject to a sign permit. In addition, signs designed to guide pedestrian or vehicular traffic are allowed, provided that each such sign do not exceed three (3) square feet.

2. Multi-family Residential and Condominiums

One monument project entrance sign may be installed if the project has access onto one (1) dedicated public street. Two (2) project entrance signs may be permitted when the project has access onto two (2) or more dedicated streets. Monument signs may not exceed six feet (6') in height and shall be located in a landscaped area, the minimum

size of which shall be no less than the size of the sign, measured on both sides.

3. Single Commercial Building

One wall sign per occupant frontage attached to the building or projection thereof and within the limits of each occupant's building frontage (exposed sides of buildings) shall be permitted to a maximum of two (2) signs per occupant. Size shall be limited to two (2) square feet of sign area for every lineal foot of occupant's primary frontage, not to exceed 200 square feet of cumulative sign area. In addition, one monument sign may be allowed pursuant to item 1.a. above.

4. Sign Limitations

Pole signs are prohibited in the "D" District.

5. Additional Regulations and Controls

All developers and owner-participants shall be required to include a sign provision in any and all leases with tenants requiring such lessees to conform to the established sign design and policy within the "D" District in order to ensure a reasonable degree of uniformity and continuity of sign design, scale, proportion, size and placement.

F. Signs within a Historic District

In addition to the regulations elsewhere in this Article, the following regulations shall also apply in the Historic District:

1. Purpose and Consistency

a. Historic District Signs shall contribute to the retention or restoration of the historic character of the area. Such signs may not compete with one another in terms of visibility, or dominate the setting via inconsistent height, size, shape, number, color, lighting or movement.

b. The following sign regulations are intended to assure Historic District establishments that all other establishments are similarly regulated. A comprehensive sign package shall be required for all development within the Historic Area.

2. Structural and Dimensional Rules

a. A freestanding sign shall not exceed 12 feet in height.

b. A wall sign may not exceed four (4) feet in height and must be securely affixed to a wall and project no more than 6 inches from the face of the wall. A wall sign shall not project beyond the edge of the building face nor above the highest line of the building to which it is attached. The length of the sign may be up to 80% of the building frontage, and shall not exceed 20% of the building frontage wall area.

c. Window signs painted or permanently affixed on an interior translucent surface, including windows and doors, shall not exceed 20% of the area visible from any one point of the building. Exterior window signs are prohibited.

d. A monument sign shall not exceed six feet in height (except Entry Monuments which may be

twelve feet) and supported by a base not exceeding 25% of sign area.

3. Design Standards

Review: All applications for Historic District signs shall be reviewed by Oceanside Historic Preservation Advisory Commission (OHPAC) and shall be approved only when they conform to the sign controls herein as to characteristics and designs. However, such review shall not consider the message content of the proposed signs.

All requests for signs in excess of sixteen (16) square feet shall be accompanied by documentary evidence that signs of such size and advertising existed in the area during the early years that the mission was in operation. Signs must conform in size, shape, design, material, coloring, lighting and location to the period before the Civil War, unless associated with Heritage Park which is not subject to this criteria.

Sign Review Information: Application for a sign permit shall be accompanied by sketches and drawings to scale showing details of construction, and shall delineate the size, shape, design, material, coloring, lettering, lighting and position in relationship to the building form or place where it will be displayed. Scaled sketches of existing signs on the premises, including signs for which valid permits exist, whether or not such signs are in existence, shall accompany the application.

Colors: Colors shall be consistent with the period of the building or site. No luminous paints or plastics shall be permitted.

Typefaces: The typeface used on all signs shall be consistent with the mission period. Acceptable type styles include the following (unless associated with Heritage Park or Ivey Ranch Park which are not subject to these type styles): Libra, Goudy, Medieval, Solemnis, Garamond, Friar, Alternate Gothic, American Uncial.

Illumination: Signs may be lighted. However, no light that flashes or blinks or effects changes in hue or intensity of illumination is permitted. Digital display signs(LCD, CCD, plasma, etc.) is prohibited. Illumination sources for the sign

shall be hidden from view.

Acceptable Sign Materials: The following materials are acceptable for sign face, supports or standards.

- Rough sawn wood and/or wrought iron with painted backgrounds and lettering.
- Smooth wood with painted background and lettering.
- Wood cutouts, carved out letters, or wrought iron silhouettes on any of the above.
- Signs directly painted on a building. (This is defined as a wall sign.)
- Ceramic tiles of letters or symbols inset in adobe or wood.
- Wood or stucco finished sign posts are required.

Prohibited Sign Materials: The following materials are prohibited for Historic District signs:

- Contemporary finishes such as plastics, fiberglass, porcelain enamel, aluminum and stainless steel.
- Sheet metal.
- Bright glossy enamel, fluorescent paint or reflective surfaces.
- Exposed metal supports in extruded, rolled or tubular sections.

Sign Placement: One wall sign is permitted on the face of each establishment.

Sign Size: A sign on the front or primary face of an establishment shall not exceed one square foot for each linear foot of frontage, up to a maximum of 16 square feet.

Signs on the side or rear wall of an establishment shall not exceed one-half square foot for each linear foot of street or dedicated walkway

frontage along those walls, up to a maximum of 12 square feet.

One perpendicular (30 degree or greater) projecting sign not to exceed six (6) square feet will be permitted on the front of or primary face of each establishment.

Freestanding Signs: No freestanding or roof top canopy signs shall be permitted, unless the establishments are located within an arcade, court or similar structure that is not on a public right-of-way. In such case, the establishments so located may collectively place a single freestanding sign at the entrance of said arcade or court. Maximum height of such sign shall not exceed four feet above average adjacent grade. Each establishment shall have a maximum of 1.5 square feet for display of their message or image.

Courtesy Signs: Courtesy signs are permitted on the faces of buildings or structures, provided that are not placed higher than 8 feet above the immediately adjacent ground level or above the eave line, whichever is the lesser.

Directional Signs: Multi-user directional signs may be located on a separate freestanding pole structure provided that the structure and/or sign affixed to same does not exceed six feet in height. Single use directional signs shall be no more than three feet high. Maximum size for a single sign or panel is four (4) square feet; maximum number per establishment is four.

Address Signs/ Name Plates: Name plates and address identifiers shall not exceed one square foot in area; maximum one per establishment or residence.

Location Markers: Location markers are permitted as ground signs which illustrate the historic core layout and list and locate the establishments therein. The sign shall not exceed four feet in height or width. They shall have a terra cotta red background with white letters or graphics. The location and number of these markers shall be determined by OHPAC.

3305 Prohibited Signs

The following signs are prohibited:

A. Animated Signs.

B. New billboards and conversion of existing billboards to digital or electronic display.

C. Signs that physically obstruct or pose obstruction to vehicular or pedestrian travel.

D. Roof signs.

E. Abandoned signs.

F. Signs that mislead or confuse drivers.

G. Illegal signs.

H. Signs displayed without Permission of Owner or Lessee.

I. Signs that are hazardous or unsafe by virtue of their physical condition.

J. Signs that flash, blink or use intermittent light, or which emit smoke, fumes, flashes, sparks, or sound;

K. Commercial mascots

L. Signs that use reflectors or mirrors

M. Search lights used for advertising or attention getting

N. Signs that are activated by air, forced air, forced gas, or wind.

O. Signs that interrupt or encroach into the corner clear zone.

P. Private party signs placed on City property without consent, as provided in Article 33B.

Q. Digital display/Electronic Message signs, excepting therefrom signs permitted pursuant to Section 3307, Comprehensive Sign Package.

R. Feather banners

3306 General Sign Standards

A. Sign Area

Signage area shall be calculated by using the entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, trough signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

B. Height

The height of any sign shall be the measurement from the top of the sign cabinet, including all ornamentation and supports, to the existing grade beneath the sign.

C. Illumination

Sign illumination shall be from interior light source contained within the sign cabinet. Indirect exterior illumination shall be permitted provided the light source is entirely shielded from view. Such signs shall comply with the following provisions:

- No sign shall be illuminated by an exposed light source visible from any public street or residential property. Neon tubing shall be allowed on a limited basis, subject to City Planner approval, if it is made an integral part of the sign design and computed within the sign area.
- No sign shall employ the use of mirrors or any other highly reflective surfaces so as to direct or reflect any natural or artificial light onto any public right-of-way or adjoining property.
- Halo or back lighting shall not count toward the total sign area.

D. Sign Maintenance

All signs shall be kept in good repair at all times.

E. Relocation

A permanent sign may be relocated only pursuant to a new permit. Relocated signs must comply with all rules that apply to the new location.

F. Flags

Flags are considered signage if not meeting the definition of "flag" in Section 3303.

3307 Procedures of Sign Approval

All sign permit applications shall be consistent with the provisions of this Article and/or with an approved Comprehensive Sign Package. A Sign Installation Permit can be issued upon the completion of the steps in Section B below.

A. Types of Sign Permits

All signs that are not expressly exempted from the sign permit requirements may be installed, erected, or displayed only pursuant to a sign permit. There are two types of sign permits: Sign Installation Permits and Comprehensive Sign Packages.

1. Signs Exempt from Sign permit Requirements

An exemption from Sign Installation Permit shall not be deemed to grant authorization for the installation of any sign not in compliance with all requirements of this Article, not any provisions of the codes of the City of Oceanside. All signs that have an electrical system shall require an electrical permit issued by the Building Official. The following sign types are exempt from the sign permit requirement, but are still subject to all other applicable laws, rules, regulations, policies and approvals.

a. Temporary Signs in compliance with Section 3304.D of this Article.

b. Window Signs in compliance with Section

3304.A.5 of this Article.

c. A-Frame and other portable signs in compliance with Section 3304.A.7 of this Article.

d. Signage on residential property in compliance with Section 3304.B.1 of this Article.

e. Courtesy Signs in compliance with this Article.

Application for a Sign Installation Permit may be filed with the Development Services Department or Economic and Community Development Department. The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the City Planner or the Economic and Community Development Director that said application complies with the provisions of this Article and all other applicable laws, rules, regulations and policies, including all applicable health and safety codes.

2. Comprehensive Sign Package

Buildings or building complexes containing three or more uses or separately leasable spaces, shall be required to submit a Comprehensive Sign Package prior to the issuance of the first sign permit for the building complex. Such sign package shall be in conformance with the provisions of this Article, and shall be designed and constructed to meet all applicable codes. The sign package shall contain provisions that establish color, size, location, types of signs, lighting and other requirements in order for safety and aesthetics to be considered.

Notwithstanding any of the foregoing requirements applicable to buildings or complexes containing three or more uses or separately leasable spaces, uses on a commercial zoned district located on a site greater than 3 acres may submit for consideration by the Planning Commission a Comprehensive Sign Package in order to: a) facilitate high quality innovative design through technologically advanced sign solutions and b) eliminate blight and improve aesthetics through a net reduction of legally permitted on-site signage. Digital display signs may be considered as part of such Comprehensive Sign Package subject

to the following:

- Minimum site area: 3 acres comprised of either a single parcel or the aggregate of multiple contiguous parcels, under single or multiple ownerships.
- Site location: Within 150 ft. (max) from I-5, SR76 or SR78.
- Sign standards: Development standards shall be as set forth in Article 33A, or as modified by the Planning Commission at the time of Comprehensive Sign Package program approval. Any deviations to applicable sign regulations must enhance the character of the development by addressing sign location, number, area, height, illumination and sign separation from less intense uses.
- Number of signs: One wall or freestanding digital display sign. (This sign shall be in lieu of an otherwise allowed freestanding sign)
- Hours of operation: 6:30a.m.-11:30p.m.
- Separation from residential uses: 500ft. (min)
- Light intensity: No changes in light intensity (other than between day and night) shall be permitted.
- Message dwell time: 8 seconds (min)
- Message transition time: Instant message transition or a fading transition of no more than 1 second. At no time shall a digital display go blank during a transition.
- Brightness control: A sensor or other device shall automatically adjust the brightness of the digital display based on ambient lighting changes, in compliance with applicable State and local lighting standards.

Digital signs are prohibited within the Mission Historic District.

B. Approving Authority

The following persons, departments, advisory or legislative bodies are entitled to approve or deny sign requests as follows:

1. Sign Installation Permit

The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the City Planner or the Economic and Community Development Director that said Sign Installation Permit Application complies with the provisions of this Article, and upon further documentation that the proposed sign installation complies with all applicable health and safety codes.

2. Comprehensive Sign Package

Unless otherwise indicated, the City Planner or the Economic and Community Development Director shall consider and either approve or deny Comprehensive Sign Packages according to the provisions of this Article. The decision of the City Planner or the Economic and Community Development Director is appealable to the Planning Commission, Community Development Commission, Harbor Board or City Council.

The City Planner or Economic and Community Development Director may refer Comprehensive Sign Packages to the Planning Commission or Community Development Commission respectively if he/she finds that the proposal may conflict with the purposes and criteria set forth in this Article.

C. Public Hearing Process

Any application to consider an appeal of a Comprehensive Sign Package shall be heard by the Planning Commission at a public hearing in accordance with the provisions of Article 46 of the Zoning Ordinance. A completed application form with the appropriate filing fees shall be filed with the Development Services Department or Community and Economic Development Department. A decision by the Planning Commission is appealable to the City Council or Harbor Board pursuant to the provisions of Article 46 of the Zoning Ordinance, except the decisions of the Community Development Commission are final when acting as the Planning Commission.

D. Issuance or Denial

Regardless of sign permit type, the reviewing authority shall, within forty-five (45) days of the filing of a complete permit application shall approve and issue the permit if the standards and requirements of this

Article and all other applicable laws, rules, regulations and policies have been met, unless the time is mutually extended by the parties. If the requirements of the permit have not been met, the application will be denied in writing stating all reasons for denial. Such denial is also subject to the 45 day limit.

Judicial review of a decision denying the permit shall be in Northern San Diego County Superior Court, pursuant to the California Code of Civil procedure, or as otherwise authorized by law.

E. Comprehensive Sign Package Findings

Pursuant to Section 3307A.2, the Planning Commission, City Planner or Economic and Community Development Director, as the case may be, may approve a Comprehensive Sign Package if on the basis of the application, plans, materials, and testimony submitted, finds:

1. The proposed sign(s) conform with the criteria set forth in this Article;

2. The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;

3. The proposed sign(s) will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicular or pedestrian traffic; and

4. The proposed sign(s) will not have an adverse visual impact on adjoining land uses.

3308 Non-conforming Signs

A. Intent

It is the intent of this Section to encourage and promote compliance of existing signs with the provisions of this Article and the eventual elimination of non-conforming signs. The achievement of full compliance of all signs with the provisions of this Article is as important as is the prohibition of new signs that would violate these regulations. If the sign is one defined by the Outdoor Advertising Act, section 5499.1, it shall be abated following notice and hearing procedures required by Section 5499.1 et seq. of the Business and Professions Code.

B. Legal non-conforming signs

Every on-site sign becoming non-conforming as a result of this Article shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493, 5495, and 5497.

An existing sign which was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign permit but becomes non-conforming by adoption of this Article or other regulation will be allowed within the amortization period unless any of the following occurs:

1. The sign structure is altered which makes the sign less in compliance with the requirement of this code than it was before the alteration; or

2. The sign structure is relocated to a different location on the site or lot, making it less in compliance with the requirement of this code.

3. The sign or sign structure is replaced (excluding change of copy). On the happening of any one of 1, 2 or 3 above, the sign shall be immediately brought into compliance with this code with a new permit secured, or shall be removed within 48 hours.

C. Sign Removal

Every legal off-site sign becoming non-conforming as a result of this ordinance may be removed in accordance with the provisions of California Business & Professions Code sections 5412, 5412.1, 5412.2, and 5412.3. All illegal signs listed below shall be forthwith removed by the owner or by the City with 48 hours notice to the owner.

1. A sign which was legal but nonconforming that becomes illegal and nonconforming by the occurrence of B1, B2, or B3 above.

2. Any illegal sign.

3. A non-conforming sign which has exceeded its authorized amortization period.

4. An abandoned sign.

5. A display existing without permission of owner or

lessee.

D. Amortization Period

All legal non-conforming signs shall have a useful life and legal life of fifteen years, calculated from the date of adoption of the regulation making it nonconforming or upon the date of a court order deeming the regulation unconstitutional. Upon expiration of the sign amortization period, the sign shall be removed by the owner without compensation. Upon determination that a sign is nonconforming, the Enforcement Officer will issue written notice to the owner or user of the sign or to the owner of the property on which the nonconforming sign is located, requiring conformance or removal therefor if unable to conform. If, after a reasonably diligent attempt to serve written notice, the owner and user have not received notice, then the City must either post the notice or publish the notice in a local newspaper which is customarily used for notice by the City. If the sign remains thereafter, the City may proceed with abatement procedures or other legal methods, with such costs of removal by the City to be charged against the owner. Nothing in this Article shall preclude any owner or user from voluntarily conforming a nonconforming sign at any time prior to the expiration of the amortization period.

3309 Enforcement

Any violations of this Article shall be subject to the enforcement remedies and penalties provided by this Article, the Oceanside Zoning Ordinance, the Oceanside City Code and by Sstate and Ffederal law. Each sign and each day is subject to separate misdemeanor violations when applying penalties. It shall be a misdemeanor to install, erect, fail to remove, or maintain any sign without a permit if a permit is required by this Article. It shall also be a violation to install, erect, fail to remove, or maintain any sign in violation of this Article. Enforcement may be pursued by criminal penalties of up to 6 months in jail and or a fine of up to $1,000, nuisance abatement, injunction, or other remedies available by law. All such penalties may be cumulative.

A. Criminal Enforcement

It is illegal to install, mount, display, use, occupy or maintain signs in violation of this Article. Any violation or failure to comply with the provisions of this Article constitutes a misdemeanor, a separate violation for each day each sign is in violation. Such

misdemeanor violations may be punished in accordance with the provisions of Chapter 1 of the Code of the City of Oceanside or other remedies provided by law.

B. Civil and Administrative Remedies

Violations of this Article may be remedied by civil and/or administrative procedures, as authorized by City or State law.

C. Abatement

1. Nuisance Abatement

Signs not in compliance with this Article are hereby declared to be a public nuisance, which may be abated in accordance with the requirements of Oceanside City Code Chapter 17, Article I, or by methods authorized by State law.

2. Summary Abatement

Signs located in the public right-of-way which are not in compliance with this Article may be declared to be a public nuisance subject to summary abatement by the Enforcement Officer. In addition to any criminal or civil penalties prescribed by law, the actual costs of abatement of such signs shall become a debt owed to the City by the person responsible for or causing placement of the sign. Said debt shall be subject to cost recovery.

3. Sign Maintenance

Maintenance of a sign in violation of this Article is an infraction. If notice of violation is given, and there is no cure of the violation within 30 calendar days, the Enforcement Officer may issue a citation. Fines assessed will be in accordance with the Oceanside Municipal Code.

If a violative sign is not repaired within 30 days of the first violation, a second violation will be issued to the owner and/or user of the sign and will continue to be assessed each day thereafter until the sign is repaired.

4. Hazardous and Unsafe Signs

The Enforcement Officer, upon identification of a hazardous or unsafe sign, shall give written notice to the property owner and/or party

responsible for the sign of the condition or conditions which render the sign hazardous or unsafe, and an order to abate the public nuisance caused by the existence of the hazardous or unsafe sign. The Enforcement Officer will determine an appropriate time period for remedy. At the expiration of the remedy period, if the hazard has not been voluntarily abated, the Enforcement Officer shall proceed to abate the nuisance in accordance with the procedures contained in Oceanside City Code Chapter 17, Article I. In cases where a sign, by virtue of its physical condition, constitutes an immediate and serious threat to the public safety, the Enforcement Officer may summarily remove, correct, or abate the dangerous condition; in such case, the cost of immediate remedy may be charged to the sign owner or other person responsible for the dangerous condition.

D. Right of entry

When it is necessary to make an inspection to enforce the provisions of this Article, or when the Enforcement Officer has reasonable cause to believe that there exists any sign or a condition which makes such sign unsafe, abandoned, illegal or nonconforming, the Enforcement Officer may petition the Court to enter the lot, building, or premises on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed by this Article.

E. Notice

For purposes of this Section, written notification deposited in the U.S. Mail, or personal delivery, or posting, or publication in a local newspaper shall constitute proper notice.

3310 Severability

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a 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 passed this ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Article 33B Signs

Sections:

3311 Title, Capacity and Scope
3312 Intent as to Public Forum
3313 Definitions
3314 General Prohibition
3315 Signs Exempt from Permit Requirements
3316 Kiosk Program Directional Signage
3317 Temporary Inanimate Signs
3318 Permanent Private party Signs on City Property
3019 Signs within the Small Craft Harbor Area

3311 Title, Capacity and Scope

A. Title

This Article may be referred to as the City Property Sign Ordinance.

B. Capacity

In adopting this Article the City Council acts in its proprietary capacity as to City property.

C. Scope

This Article states City policies and rules for the display of signs on City property.

3312 Intent as to Public Forum

The City declares its intent that all public property shall not function as a designated public forum for sign display, unless some specific portion of public property is designated herein as a public forum of one particular type; in such case the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.

3313 Definitions

For purposes of interpreting and enforcing this Article, the following words have the special definitions given. For words not defined in this chapter, definitions from Article 33A Signs, Section 3303 may be used.

ADMINISTRATOR
Administrator means the person authorized by the City Council to enforce and interpret this chapter; in the absence of a contrary authorization by the City Council, the Administrator shall be the City Manager or his/her designee.

CITY
City means for purposes of this Article the City of Oceanside, California and any of its associated entities including, but not limited to, the Oceanside Redevelopment Agency.

CITY PROPERTY
City property means land or other property in which the City is the owner or has the present right of possession and control, as well as areas which are either designated as public rights-of-way or which have long been used as such.

PERMIT
Permit means a written authorization from the City for a third party display of a sign on public property.

PERSONALLY ATTENDED
Personally attended means that a person is physically present within five feet of the sign at all times.

SIGN ORDINANCE
Sign Ordinance means Article 33A and 33B as it may be amended from time to time.

TRADITIONAL PUBLIC FORUM
Traditional public forum means the surfaces of City-owned streets, surfaces of City-owned parks, surfaces of City-owned plazas, surfaces of sidewalks which are connected to the City's main pedestrian circulation system and the exterior surface of pedestrian areas immediately surrounding City Hall.

3314 General Prohibition

Unless a specified sign type is exempt from the permit requirement, private persons may display signs on public property only by permit. Any permit application which is denied may be appealed in the same manner as the appeal process described in the Sign Ordinance.

3315 Signs Exempt from Permit Requirement.

A. Government signs

Signs posted by the City on City Property to express

its own message(s) to the public; traffic control and traffic directional signs erected by the City or other governmental entity; official notices required or authorized by law or court order; signs placed in furtherance of the City's governmental functions.

B. Picketing

The personal carrying of signs "picketing," displaying protected noncommercial speech messages, is allowed in Traditional Public Forum Areas, except in the roadway when it is open to normal vehicular traffic; picketers may not interfere with public ingress or egress or free use of sidewalks or public right-of-way. For safety reasons, picketing is allowed from sunrise until 10 p.m. In order to serve the City's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within the clear corner area.

3316 Kiosk Program Signage

This Section provides for directional, event and community signage within the public right-of-way within an approved kiosk under the City's Kiosk program. It is intended to permit government owned off-site directional signs necessary to serve the community for purposes of order, direction and safety. In order to avoid adverse effects on the aesthetics of the City, to minimize traffic safety issues and to prevent a proliferation of such signs, regulations for the location, standards, number of such signs, and their approval and removal are included in this Section.

All kiosk displays shall substantially comply with applicable sign design standards, program guidelines, and structural requirements. The City Planner or Economic and Community Development Director and Building Official shall review all such displays to ensure their compliance with those standards and requirements.

A. Kiosk Program Regulations and Standards for Commercial and Non-Commercial Signs.

Design and Location: The Development Services Director or Economic and Community Development Director shall approve the design of kiosk displays in various strategic locations throughout the City. Such design and location discretion shall only be made with due

consideration to aesthetic appearance, cost, readability, traffic and public safety concerns and may include pedestrian oriented digital/electronic message displays.

- Kiosk designs utilized throughout the City shall be on file in the Building Division. The height and design of all kiosk displays shall be subject to approval of the City.

- Kiosks shall be in the public right-of-way.

- Each kiosk shall have "Oceanside" and the City logo displayed in a prominent location on the sign.

- No more than eight kiosk sign panels for any person or entity is allowed within the City. A kiosk sign display shall not be duplicated on an individual kiosk. A double-sided message display shall be considered one kiosk sign display for the purposes of this Article.

- There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved.

Number of Kiosk Display Signs: An applicant may apply for signage to be placed within one or more kiosk displays. All applicants shall be subject to the rules, regulations and requirements placed on such signage consistent with the provisions of this Article.

Sign Removal: Any sign placed contrary to the provisions of this ordinance may be removed by the Code Enforcement Officer without prior notice.

Enforcement: Non-compliance or kiosks improperly maintained shall be subject to the enforcement provisions provided in this Article and/or the Oceanside City Code.

3317 Temporary Inanimate Signs in the Public Right-of-way

Temporary signs displaying any type of variety of constitutionally protected noncommercial speech may be displayed by private persons up to thirty days prior and five days after any official local, state, regional, or national authorized election. Such sign display by private persons is subject to a permit and the following rules:

Sign Area: The maximum allowable sign area is 6 square feet per sign (measured on both sides.)

Height: Maximum height of freestanding signs is 5 feet.

Posting On Structures: All signage within the public right-of-way shall be self-supporting and freestanding. No temporary sign shall be posted on any streetlight, utility pole, post, pole, or structure supporting a traffic control sign or signal, fire hydrant, or similar structures in the public right-of-way.

Safety of Placement: Temporary signs posted in the public right-of-way shall meet the following criteria:

- When located in the Corner Clear Zone, the sign shall not exceed 30 inches in height.
- Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs, or signals, or otherwise represent a hazard to vehicular or pedestrian traffic.
- Signs shall not impede a pedestrian's free use of the sidewalk.
- Signs shall be securely affixed to the property on which they are placed.
- Signs shall not be placed in the center of public roadway medians.

Permit Application Requirements: Prior to posting any temporary sign on the right-of-way, the private party responsible for the posting and maintenance of such signs, hereinafter referred to as "responsible party," shall provide the following information to the Enforcement Officer:

- Application - An application shall be filed with the Code Enforcement Office by the "responsible party". This application shall be in a form and content as required by the Enforcement Officer. This application shall minimally include the following information:
  - Identification Information - A description of the signs sufficient to allow the Enforcement Officer to identify the responsible party for the purposes of enforcement.

- Name, address, and telephone number of the responsible party.

No permit nor deposit is required for the posting of temporary signs on public property by the City of Oceanside.

Sign Removal: Temporary signs shall be removed from the public right-of-way not later than the removal date indicated in the application.

Cost Recovery: Whenever the Enforcement Officer causes the removal of a temporary sign, the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.

3318 Permanent private Party Signs on City Property

Notwithstanding the prohibited sign types listed in the sign ordinance, the City Council may approve proposals for private parties to place permanent signs on city property or city right of way, upon finding that the proposed sign is in the best interests of the City through the promotion of City sponsored events and the dissemination of public safety and traffic messages. The City may impose conditions on the approval through the terms of the lease, contract or license. Before approving a private party sign under this section, the City shall conduct a request for proposals open to interested parties. Placement of one electronic message billboard structure with two digital display "faces" or panels on city property or right of way may only be permitted as part of a legally enforceable agreement to replace two existing billboard structures, each with two billboard display faces, within the City of Oceanside. The area of a digital billboard display "face" or panel shall not exceed the smallest of the static billboard panels it is replacing. The City shall comply with the California Environmental Quality Act before approval of any lease, contract or license.

3319 Signs within the Small Craft Harbor

In addition to the sign regulations elsewhere in this Article, the following regulations shall also apply in the Oceanside Small Craft Harbor:

1. Freestanding Signs

a. Pole or Ground Signs

Major. A major pole or a ground sign shall be allowed at the two major entryways to the Harbor. The sign shall be designed to denote "Oceanside Harbor" with the appropriate directional signage. Signage of uses within the harbor area may be displayed on separate lighted panels. Non-commercial messages may also be displayed.

Minor. Minor pole or ground signs shall be allowed at major intersections within the harbor. These signs shall be a variation of the sign design proposed for the major entryways to the Harbor. Such signs shall use a modular replaceable-unit or a translucent panel system with internal lighting, and a highly visible typeface. Non-commercial messages may also be displayed. Maximum height of a minor pole or ground sign is 14 feet.

b. Monument Signs

Location: Signs shall be located at the outer face of leasehold or near the street front property line or vehicular entrance to leasehold. Signs must be located and oriented to avoid interference with vehicle driver's safe line of sight.

Maximum Quantity: One (1) per separate establishment at street frontage or entrance driveway.

Size: Maximum panel size is six (6) square feet. Maximum height is six (6) feet.

Materials: Limited to wood or acceptable metals or plastics.

2. Wall Signs

Location: Signs shall be located on building façade or on-site adjacent to entry of building. Wall signs shall not be placed on roofs or windows.

Maximum Quantity: One (1) per separate establishment on each street frontage and/or water frontage façade.

Size: Size and quantity must be compatible with scale

of structure, but in no case can it exceed 12 square feet of panel size in one elevation (building face) or 24 square feet on all elevations (building face).

Materials: Limited to wood or acceptable metals or plastics.

3. Courtesy Signs

Location: Signs may be located anywhere within a leased parcel.

Maximum Quantity: Number of signs per leased parcel shall be as needed for directional and informational signage.

Size: Maximum of four (4) square feet for each panel size and a total of 24 square feet for all courtesy signage on a lease parcel.

Materials: Limited to wood or acceptable metals or plastics.

4. General Design Standards for All Site Signs

All site signs shall conform to the following design standards:

- Extensive use of wood in both sign panel and support structure.
- Display light sources should be screened from autos, boats and pedestrians. No internal lighting is permitted.
- Temporary display banners and flags require approval by the Harbor Director as to size and location.
- Boat sale displays should have consistent sign sizes and typography within a single parcel, and "false sail" signs in sailboat rigging should be in conformance with these regulations. (See Boat Sign Ordinance 72-5.)
- No more than 20 percent of the total window area for any one side shall be used for permanent or temporary sign display.
- Where multiple uses or establishments are located within the same parcel, all signs on that parcel

will use consistent design as to materials, proportions and lighting. should be of similar materials and proportions, consistently.

- Lighting that creates a confusing background for harbor night entry is prohibited.

5. Permitting

Other than courtesy signs which use no electricity or special lighting, and temporary signs exempt from permitting, all private party signs in the Harbor District may be installed or displayed only pursuant to a sign permit. Any application for such a permit will be granted when the proposed sign(s) complies with all applicable laws, rules, and policies.

ATTACHMENT 2

1992 SIGN ORDINANCE LEGISLATIVE DRAFT

Article 33A Signs

Sections:

3301 **Title,** Purposes and Intent
3302 **Basic Principles** ~~Definitions and Abbreviations~~
3303 **Definitions** ~~General Design Guidelines~~
3304 ~~Permitted Signs~~ Signs Allowable Subject to Sign Permit
3304~~5~~ **Prohibited Signs** ~~Permitted Signs~~
3305~~6~~ **General Sign Standards** ~~Procedures for Sign Approval~~
3306~~7~~ **Procedures for Sign Approval** ~~On-Site/Off-Site Residential Directional Signs~~
3307~~8~~ **Non-Conforming Signs** ~~Prohibited Signs~~
3309 Enforcement
3310 Severability

3301 **Title, Purposes and Intent**

~~It is the intent of this sign ordinance regulation to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing commercial/industrial districts, while at the same time providing channels of communication to the public. It also is the City's intent to regulate on the basis of characteristic and proportion of signage. The City finds that commercial signage constitutes the majority of existing signage and desires to limit such signage to on-site locations in order to keep proliferation of such signage to a more aesthetic proportion, while providing a channel of communication to advertise businesses. The City finds that it is in the interest of both aesthetics and traffic safety that sign information be kept to a minimum. It is the intent of this sign ordinance to enhance traffic safety by ensuring that signage does not distract, obstruct or otherwise impede traffic circulation. Proper sign control also safeguards and preserves the health, property, and public welfare of Oceanside residents through prohibiting, regulating, and controlling the design, location, and maintenance of signs. Signage that results in a traffic hazard may be abated through the nuisance abatement process set forth by statute.~~

~~Non commercial signage is permitted wherever other signage is permitted within Article 33 and is subject to the same standards and total maximum allowances for a site of each sign type specified in this Article.~~

A. **Title. This Article may be known as the Sign Ordinance of the City of Oceanside, California.**

B. **Purposes. This Article establishes a comprehensive system for the regulations of signs, as defined herein, within the defined regulatory scope of this Article, in the City of Oceanside, California.**

C. Intent. By adopting this Article, the City intends to balance several competing interests, including: (1) to regulate signs in a constitutional manner, with rules that do not regulate protected noncommercial speech by content or favor commercial speech over noncommercial speech; (2) to provide adequate opportunity for persons to express themselves by displaying an image or message on a sign; (3) to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing commercial/industrial districts; (4) to minimize distraction, obstruction or other impediments to traffic circulation which would be caused by excessive or inappropriately placed signage; (5) to safeguard and preserve the health, property, and public welfare of Oceanside residents by regulating the physical design, location, and maintenance of signs; and (6)to provide a method for abatement of illegal and abandoned signs.

3302 Basic Principles

A. Authority. This Article is adopted pursuant to the California Constitution Article XI, Section 7; the City's Charter; and general and police powers, California Government Code Sections 65000 *et seq.*, 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 *et seq.*, 5230, and 5490 *et seq.*, 13530 *et seq.*, 13540, Penal Code 556 *et seq.*, and other applicable State laws.

B. Regulatory Scope. This Article regulates signs, as defined herein, which are located on or displayed from, private property located within corporate limits of the City, as well as signs located on public property owned by public agencies other than the City, its Redevelopment Agency and other affiliate entities, over which the City has land use regulatory authority. Signs on City property, as defined herein, are regulated by Article 33 B.

C. Owner's Consent. No sign may be displayed on private property without the consent of the property owner or person holding the present right of possession and control of the property.

D. Noncommercial Messages. There is no location criterion for noncommercial messages that are protected by the First Amendment to the U.S. Constitution and/or the corollary provisions of the California Constitution.

E. Message Substitution. Subject to the land owner's

consent, any constitutionally protected noncommercial message may be substituted for any duly permitted or allowed commercial message, or any duly permitted or allowed noncommercial message, provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting.

F. Compliance Required. Signs, as defined herein, may be displayed within the City only in compliance with the rules stated in this Article and all other applicable laws, rules and regulations and policies. When a permit is required, an application will be approved if it conforms to all applicable laws, rules regulations and policies. If the application does not comply, then it will be denied in a written decision which specifies all points of noncompliance. The decision on the sign permit application shall be rendered within 45 calendar days of when the application is complete and all applicable fees are paid. Applications will be processed according to the procedures stated in Section 3307 of this Article.

G. Permit Generally Required. Unless exempted from the sign permit requirement, all signs shall be installed or displayed only pursuant to a sign permit issued by the City.

H. Discretionary Approvals. Whenever a sign or a proposed sign is subject to any discretionary review, permit, or approval, such discretion may be exercised only as to the compatibility of the sign within its location, and other structural, architectural and locational factors. Discretion may not be exercised as to the artistic merit or graphic design elements of the proposed sign or the message itself so long as such message is not excluded from First Amendment (U.S. Constitution) protection under relevant court decisions.

I. Administrator Interpretations. All interpretations of this Article shall be exercised in light of message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Building Code, as adopted by the City of Oceanside, then the Planning Commission or City Planner, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Article.

J. Compatibility factors. In determining compatibility of a sign with its surrounding environment, the following criteria may be considered: (1)Style or character of existing improvements upon the site and properties adjacent to the site; (2)Visual elements such as construction materials, physical design details, and the number and spacing of signs in the area; (3)The sign's height, size and location, in relation to its proposed location and use; (5)Potential effect of the proposed sign on driver and pedestrian safety; (6)Potential blocking of view (whole or partial) of a structure or façade or public view of natural, historical or architectural significance; (7)Potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks; (8) Potential negative impact on visual quality of public spaces, including but not limited to recreation facilities, public squares, plazas, courtyards and the like; (9) Whether the sign structure will impose an aesthetically foreign or inharmonious element into the existing skyline or local viewscape.

K. Billboard Policy. New billboards, as defined herein, are prohibited. It is a fundamental land use policy of the City to completely prohibit the construction, erection or use of any and all billboards, other than those which legally exist in the City, for which a valid permit has been issued and has not expired, as of the date on which this chapter, or when a prior version of this chapter containing a provision to the same effect, was adopted. In adopting this chapter, the City Council affirmatively declares that it would have adopted this policy even if it were the only provision in this chapter. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This prohibition does not apply to agreements to relocate presently existing legal billboards as encouraged by State law including, but not limited to, Business and Professions Code Section 5412, as that section may be amended from time to time.

3303 **Definitions**

For purposes of this Article, the following definitions shall apply:

~~A.~~ ABANDONED SIGNS

A sign is **deemed** abandoned when for a period of 90 days or more, **any of the following conditions are met**: **1)** there is no sign copy appearing on the sign, or **2)** where the establishment with which the sign is associated has ceased operation, or **3)** where it is ~~relatively~~ clear that the sign has been forsaken or deserted. Any sign which is a conforming sign not in use, but which could be re-used in conjunction with the ownership or operation of a new business on a property, shall not fall under the definition of abandoned.

~~B.~~ ALTERATION

Any change of size, shape, illumination, position, location, construction or supporting structure of an existing sign.

~~C.~~ ANIMATED SIGN

A sign with action or motion, rotating, flashing or color changes, **not including sign elements that are** ~~excepting therefrom wind~~ actuated by wind or forced or accelerated air or gas, ~~elements~~ such as flags, banners, streamers, whirligigs or other similar devices. ~~, and public service signs such as time and temperature units~~. **Digital display (Electronic Message) signs that expose messages for 8 seconds or more and do not appear to be in motion nor change in intensity (other than between day and night) are not within this definition.**

~~D. BALLOON, INFLATABLE SIGNS, OR INFLATABLE ATTENTION-GETTING DEVICES~~

~~Any air or gas filled device located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purposes of signage, advertising, or attention-getting.~~

~~E.~~ BANNER

Any sign of lightweight fabric or similar material that is attached to a building or other structure, **and used for advertising and/or attention getting.** ~~erected for another purpose.~~ Flags~~, as defined in this Section, shall not be considered banners.~~ **are not within this definition.**

BILLBOARD

A permanent sign structure in a fixed location which meets any one or more of the following criteria: 1) It

is used for the display of off-site commercial messages; 2)it is used for general advertising; 3)the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operators(s) of the sign; 4)the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

~~F.~~ BUILDING COMPLEX

A building or group of buildings on one or more lots or building sites containing three or more separate businesses or industrial uses and sharing common parking facilities.

~~G.~~ BUILDING FACE

The outermost surface of any exterior wall of a building, but not including cornices, bay windows, balconies, or other architectural features which extend beyond the general outermost surface of such exterior wall.

~~H.~~ CANOPY SIGN

Any sign that is part of a projecting awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window or outdoor service area. ~~, or otherwise attached to a building face.~~

~~I.~~ CHANGEABLE COPY SIGN

A sign **on which it is possible to change the display copy by hand or with ordinary hand tools, or by electronic control.** ~~with changeable copy, regardless of the method of attachment or the materials of construction.~~

CITY PROPERTY

Any parcel of land that is owned or controlled by the City of Oceanside, or any of its related entities, or that is within the public right-of-way. Land and facilities over which the City holds the present right of possession and control are within this definition.

COMMERCIAL MASCOT

A person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise

a commercial enterprise. This definition includes "sign twirlers", "sign spinners", "sign clowns", "sign walkers", "human directional", and human "sandwich board" signs.

~~J.~~ COMMERCIAL SPEECH

Any message **which proposes a commercial transaction or primarily concerns the economic interests of the message sponsor and/or the viewing audience. Also known as "commercial message".**~~, the prevailing thrust of which is to propose a commercial transaction~~.

~~K. COMMERCIAL SIGNAGE~~

~~Any sign with wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.~~

CONSTRUCTION SITE SIGN

A sign that is displayed on the site of a construction development project during the period of time of actual construction.

~~L.~~ CORNER CLEAR ZONE

The area at a street corner inscribed by a line drawn between points established by measuring back 15 feet from the beginning of the curb radius along the curb line, or edge of pavement when there is no curb, and the face of the curb or edge of pavement.

COURTESY SIGN

A sign whose message provides functional information for the convenience of the public, such as hours of operation, open/closed, credit cards accepted, entrance and exit locations and restroom directions.

DIGITAL DISPLAY

"Digital display" means display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image.

DIRECTIONAL SIGN

A sign whose message provides directional information

for drivers and pedestrians.

~~M.~~ DORMER

A structure located above the height of a wall projecting from a sloping roof that is enclosed on both sides and top, and does not project above the top of the roof structure.

~~N.~~ DWELLING UNIT

Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.

ELECTION PERIOD

That period of time which begins 30 days before a special, general, or primary election in which at least some registered voters in the City are eligible to vote, and ends 5 days after such election.

ELECTRONIC MESSAGE

A sign using electronic or digital technology, including but not limited to LED (light emitting diodes) or CCD (charge emitting diodes) or plasma, or their functional equivalent, which is capable of displaying, changing or changeable images.

~~O.~~ ENFORCEMENT OFFICER

Any City official or agent designated by the City Manager as having authority to enforce the provisions of this Article.

ESTABLISHMENT

Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the meaning of establishment, however, once a certificate of occupancy has been issued or once residency begins.

FEATHER BANNER

"Feather banner" or "feather banner sign" means a flexible pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

~~P.~~ FLAG

A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol. Well known symbols that are commonly placed on flags, when placed on a solid surface, such as a wall or door, are not within this definition~~. device, generally made of flexible materials, usually cloth, paper or plastic, usually used as a symbol of a government, school, or religion, and not containing a commercial message~~.

~~Q.~~ FREESTANDING SIGN

~~Any sign supported by structures or supports that are placed on, or anchored in, the ground which are independent from any building or other structure. This definition may include pole signs, ground signs and monument signs~~. A sign which is self supported by mounting on the ground, in contrast to being attached to and/or supported by some other structure, such as a wall, door or window. Common types include pole signs, ground signs and monument signs.

GARAGE SALE SIGN

A sign whose message concerns short-term rummage, estate, boutique or garage sales of used or handmade common household items from a residential property.

GENERAL ADVERTISING

The enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or onsite advertising. Also known as "advertising for hire" or "general advertising for hire".

~~R.~~ GROUND SIGN

Any freestanding sign greater than 6 feet in height and supported wholly by uprights, braces, or poles in or upon the ground and where any supports or angle irons are enclosed in a wood, plastic, metal or other decorative form, such that the angle irons or supports are not visible. The entire bottom of a ground sign is generally in contact or in close proximity to the ground.

~~S.~~ HEIGHT

The height of any sign shall be the measurement **of the distance** from the top of the sign **structure** ~~cabinet~~, including all ornamentation and supports, to the existing grade beneath the sign.

HISTORIC MARKER

Signs or markers placed, approved or authorized by the City, State or Federal Government to be located on historic sites, points, or structures, or which describe directions to such from prominent visible locations within the public right-of-way.

~~T.~~ ILLEGAL SIGN

~~Any sign placed without all required government approval and/or permits at the time said sign was placed or is an existing sign which was not constructed in accordance with the ordinances and other applicable laws in effect on the date of construction, did not receive government approval or permits, or a legal nonconforming sign that has exceeded its authorized amortization period~~.

A sign that was installed without proper City or other approvals and/or permits at the time it was initially installed, and which has not been legalized by later action. This definition also includes a sign that was erected in conformance with all applicable laws, rules, and regulations in effect at the time of installation, but which was subsequently altered so as to be out of compliance with applicable law, including the terms of permits which authorized construction. All signs described in Business and Professions Code Section 5499.1 and defined therein as an "illegal on-premises advertising display" are also within this definition.

~~U.~~ ILLUMINATED SIGN

Any sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or

brightening the sign area. **This definition does not include signs lit only by ambient lighting.**

~~V. INCIDENTAL SIGN~~

~~A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking, "entrance", "loading only", "telephone" and other similar directives. A sign that also includes a commercial message is not considered incidental.~~

~~W.~~ INSTITUTIONAL

Uses whose primary function is furtherance of the public health, safety and welfare, generally, but not exclusively non-commercial in nature, including, but not limited to the following: hospitals and similar health care facilities, airports, cemeteries, recreational clubs and lodges, museums, theaters and similar cultural institutions, churches and similar religious institutions, detention facilities, fire and police stations, emergency shelters, marinas, parks and similar recreational facilities, schools and similar educational institutions, public utility facilities other than business offices.

INFLATABLE SIGNS AND ATTENTION GETTING DEVICES

Any advertising device which is filled or activated by air or gas and is located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purposes of signage, advertising, or attention-getting.

~~X.~~ LEGAL NON-CONFORMING SIGN

A sign which was legal when first erected, with all necessary permits, but due to a change in the law it became nonconforming.

~~Y.~~ LOT

Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

~~Z.~~ LOT FRONTAGE

Those portions of a lot or building site which abut a

public street. For purposes of determining frontage on corner lots and through lots, all sides of a lot abutting a public street (excluding an alley) shall be considered frontage.

~~AA.~~ MARQUEE

A permanent roofed structure attached to and supported by the building and projecting beyond the building face.

~~BB.~~ MONUMENT SIGN

A freestanding sign not exceeding 6 feet in height which is supported by a base which extends the entire length of the sign area and is an integral part of the design.

~~CC.~~ MULTI-FACED SIGN

A sign with two or more sign faces where any two sign faces are oriented such that they have an interior angle of greater than 45 degrees from each other.

~~**DD. NON-COMMERCIAL SIGNAGE**~~

~~Any signage which is not determined to be commercial signage, as defined herein.~~

~~**EE.**~~ NON-COMMERCIAL SPEECH

~~Any message which is not determined to be commercial speech as defined herein.~~ **A constitutionally protected message that is not commercial in nature and which presents debate or commentary on topics of public interest and concern, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. The onsite/off-site signage distinction does not apply to non-commercial messages or signs displaying them.**

~~FF~~. NON-STRUCTURAL TRIM

The molding, battens, caps, nailing strips, lattice, cutouts, or letters and walkways which are attached to the sign structure.

~~**GG. OBSCENE SIGNS**~~

~~Signage when taken as a whole, which to the average person applying contemporary statewide standards, appeals to the prurient interest and as a whole depicts~~

~~or describes in a patently offensive way sexual conduct which lacks serious literary, artistic, political or scientific value.~~

~~**HH. OFF-SITE COMMERCIAL SIGNAGE**~~

~~Signage that is not located on the site of the business, accommodations, services, or commercial activity served by the sign.~~

~~II.~~ ON-SITE COMMERCIAL SIGNAGE

A sign **that advertises the commercial business, accommodation, services or activities provided on the premises on which the sign is located, or expected to be provided in the near future. In the case of developments subject to a sign program, all establishments subject to the program are considered onsite whenever located within any area covered by the program. Similarly, all establishments within a shopping center are onsite as to any sign(s) also located within the shopping center. As to construction signs, "onsite" includes messages related to any and all parties involved in the specific construction project.** ~~advertising the business, accommodations, services or commercial activities provided on the site on which the sign is located.~~

~~JJ.~~ PERMANENT SIGN

A sign which is constructed of rigid material and is securely attached to a building, wall, fence, sign structure or into the ground, and is designed for and intended to be on display long term. All signs described in Business and Professions Code 5499.1(b) as "on-premises advertising displays" are within this definition.
~~Any legal sign designed or used in excess of 45 days.~~

~~KK.~~ PERMITTED SIGN

A sign which may be displayed only with a sign permit issued pursuant to this Article. Also called "signs subject to permit requirements".
~~Signs permitted pursuant to this Article.~~

~~LL.~~ POLE SIGN

A sign wholly supported by one or more poles and otherwise separated from the ground by air.

~~MM.~~ PROHIBITED SIGNS

A sign~~s~~ specified **within** ~~in Section 3304 of~~ this Article **as prohibited, or prohibited by other bodies of law.** ~~or any sign not specified in Section 3303 nor in compliance with the design criteria of this Article.~~

~~NN.~~ PROJECTING SIGN

A sign which projects more than 12 inches from the exterior face of a building wall or facade and which uses the building wall as its primary source of support.

~~OO.~~ PROJECT ENTRANCE SIGN

A permanent sign located near the entrance to a housing complex, mobile home park, condominium subdivision or other residential subdivision which was developed with a neighborhood name, or is operated under a community name.
~~An on-site sign used to identify the name of an apartment housing complex, mobile home park, condominium subdivision or other residential subdivision.~~

PROTECTED

A message that is within the protection of the First Amendment of the United States constitution and/or corollary provisions of the California constitution, and has not been excluded from such protection by court decisions.

~~PP.~~ PUBLIC SERVICE SIGN

A non-commercial sign that provides general information that benefits the public, such as ~~electronic changeable~~ time and temperature ~~units~~.

~~QQ.~~ **REPAIR**

~~The renewal of any part of an existing sign for the purpose of its maintenance.~~

~~RR.~~ ROOF SIGN

A sign erected upon or above a roof or a parapet of a building or structure, and not contained within a dormer.

~~SS.~~ SETBACK AREA

~~The setback area shall be~~ ~~t~~That area defined as the

"required minimum yard" as specified by the Zoning Ordinance for each Zoning District, unless a specific setback is designated within this Article. **Also called "required setback".**

~~TT.~~ SIGN

The public display of a visual image, which is intended to be communicative, and which advertises, informs, projects, displays, or identifies persons, businesses, commodities, services, ideas or information, when such image is visible from any portion of the public right-of-way or from any exterior place which is open to the public. This definition includes, but is not limited to all writing, trademarks, graphic design elements, illustrations and lighting primarily directed at facilitating communication, as well as all supporting structures. Notwithstanding the generality of the foregoing, the following are not within the definition of sign: ~~Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, with the exception of the following~~.

~~TT~~.1 Such devices not exceeding one square foot in area and bearing only property numbers, post box number, names of occupants, or other similar identification on a site.

~~TT~~.2 **Flags as defined in Section 3303 of this Article.** ~~and other insignia of any government not displaying a commercial message.~~

~~TT~~.3 Legal notices, identification, informational or directional/traffic controlling devices erected or required by government agencies.

~~TT~~.4 Decorative or architectural features of buildings, ~~except letters~~, (**not including lettering or** trademarks or moving parts) **which do not perform a communicative function (examples include color stripes around an office building or retail store).**

~~TT~~.5 Holiday **and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for no more than 45 calendar days per year (cumulative, per dwelling unit) and which do not include commercial messages.** ~~decorations and~~

~~lights.~~

~~TT~~.6 Government traffic controlling devices are not considered signs for purposes of this Article due to their distinct purpose.

7. Aerial banners towed behind aircraft.

8. Automated teller Machines (ATMs, when not used for general advertising).

9. Cornerstones and foundation stones.

10. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter.

11. Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased.

12. Historical monuments, plaques and tablets.

13. Inflatable gymnasiums associated with legal residential uses - inflatable, temporary, moveable gymnasium devices commonly used for children's birthday parties, and similar devices (also called "party jumps" or "bounce houses"), including balloons.

14. Interior graphics - visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof.

15. California State Lottery signs, approved by the Lottery Commission for display by Lottery Game Retailers, in accordance with the California Government Code.

16. Manufacturer's marks - marks on tangible products, which identify the maker, seller, provider o product, and which customarily remain attached to the product even after sale.

17. Mass transit graphics - graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the City.

18. Searchlights used as part of a search and rescue or other emergency operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special events).

19. **Shopping carts, golf carts, horse drawn carriages, and similar devices (any self-propelled or motorized vehicle which may be legally operated upon a public right-of-way is not within this exclusion).**

20. **Symbols embedded in architecture - symbols of non-commercial organizations or concepts including but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary.**

21. **Vehicle and vessel insignia - on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel. All other vehicle signs on: 1)vehicles parked on public right-of-way are not permitted and 2) vehicles parked on private property will count toward the total allowable display area.**

~~UU.~~SIGN AREA

The entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, through signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

~~VV.~~SIGN COPY

Any words, letters, numbers, figures, designs or other symbolistic representation incorporated into a sign with

the purpose of attracting attention to the subject matter.

~~WW.~~SIGN FACE

The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

~~XX.~~ SIGN STRUCTURE

Any structure that supports or is capable of supporting any sign as defined in this Section. A sign structure may be a single pole and may or may not be an integral part of the building.

~~YY.~~SITE

A lot, or group of contiguous lots, with or without development, in single ownership, or having multiple owners, all of whom join in an application for signage.

~~ZZ.~~STREET

A public or private highway, road or thoroughfare which affords the principal means of access to adjacent lots.

TEMPORARY MESSAGE

A message that pertains exclusively to a special event which occurs on, or ends on, a particular day.

~~AAA.~~TEMPORARY SIGN

A sign that is constructed of lightweight or flimsy material, and is easily installed and removed using ordinary hand tools. Any sign that qualifies as a "structure" under the Building Code is not within this definition.
~~Any sign that is displayed for a limited period of time as defined in this Article.~~

~~BBB.~~ WALL SIGN

Any sign attached to, erected against, or painted or inscribed upon the wall of a building or structure, with the exposed face of the sign on a plane parallel to the plane of said wall and not located above the roof line, parapet or facade (except when enclosed within a dormer), which does not project more than 12 inches from the building wall.

~~CCC.~~ WINDOW SIGN

Any sign or combination of signs in excess of four (4) square feet, displayed on or behind a window or similar opening in wall.

330~~34~~ ~~***PERMITTED SIGNS***~~ SIGNS ALLOWABLE SUBJECT TO SIGN PERMIT

Signs are permitted under the various use classifications or locations as specified in A through **F** ~~I~~ of this Section 330**4**~~3~~.

A. INDUSTRIAL, **INSTITUTIONAL** OR COMMERCIAL USE - PERMANENT SIGNS

The following types of signs may be mounted, erected, installed and displayed on commercial, institutional and industrial uses, subject to a sign permit and the rules stated in this section. All commercial messages shall be onsite only.
~~The following types of signs are permitted for commercial and industrial uses in order to provide a wide range of options for advertisement, identification, and non-commercial, or other messages. Commercial and/or non-commercial signage is allowed on-site of a commercial or industrial use. The total area of commercial plus non-commercial signage shall not exceed the maximum allowable area for signage for the commercial or industrial site. All commercial signage shall relate to on-site advertising, identification or activities. Non-commercial signage need not relate to on-site identification or activities but shall otherwise meet the general and specific design standards and the requirements of this Article~~.

~~A.~~1 FREESTANDING SIGN

~~A f~~**F**reestanding sign **types include** ~~may be a~~ pole sign**s**, ground sign**s** or monument sign**s**.

~~A.1.~~a. POLE OR GROUND SIGNS

A pole or a ground sign may be permitted if all of the following design standards are met in addition to the General Design Standards contained in Section 330~~5~~**6**:

~~A.1.a(1)~~ Frontage Requirement:

The site shall have a street frontage of at least 200 feet.

~~A.1.a(2)~~ Number of Allowed Signs:

~~A.1.a(2)(a)~~ The identification of a single use not located within a building complex will be limited to one freestanding pole or ground sign.

~~A.1.a(2)(b)~~ The identification of uses located within a building complex will be limited to one freestanding pole or ground sign per each 1000 feet of street frontage provided that complexes with multiple street frontages may be allowed one secondary ground sign with a maximum height of 15 feet provided the total allowable sign area is not exceeded. No individual use located within a building complex will be permitted to have its own freestanding pole or ground sign.

~~A.1.a(3)~~ Sign Area: The total sign area of all freestanding pole or ground signs for a single building or a building complex shall not exceed the following:

Total Building(s) **Area** ~~Square Footage~~	Total Sign Area ~~Allowance~~
0-10,000 sq.ft.	50 sq.ft.
10,001-20,000 sq.ft.	100 sq.ft.
20,001- 50,000 sq.ft.	150 sq.ft.
50,001- 100,000 sq.ft.	200 sq.ft.
100,001- 200,000 sq.ft.	250 sq.ft.
Over 200,000 sq.ft.	300 sq.ft. max~~imum~~

A.1.a(4) Sign Height: The height of a freestanding pole or ground sign shall not exceed the following standards:

Total Building(s) **Area** ~~Square Footage~~	Total Sign Height ~~Allowance~~
0-20,000 sq.ft.	20 feet
20,001 - 75,000 sq.ft.	25 feet
Over 75,000 sq.ft.	30 feet max~~imum~~

~~A.1.a(5)~~ Location: Freestanding pole or ground signs shall not be placed ~~on any public property or~~ within a corner clear zone and shall be located so as to not create a pedestrian or traffic hazard.

~~A.1.a(6)~~ ~~Proposed Building: The freestanding pole/ground sign standards may apply to proposed building dimensions during~~

~~construction of a site.~~

~~A.1.b~~ MONUMENT SIGNS

Freestanding monument signs may be permitted subject to following design standards in addition to the General Design Standards in Section 330~~5~~6:

~~A.1.b(1)~~ Building Complexes: Limited to one monument sign per each 250 feet of street frontage.

~~A.1.b(2)~~ Single Use: Limited to one monument sign.

~~A.1.b(3)~~ Frontage Requirement: Street frontage on a site where a monument sign is located must be at least 100 feet.

~~A.1.b(4)~~ Sign Area: The sign area of a monument sign shall not exceed the following standards:

Building **Area** ~~Square Footage~~	Sign Area ~~Allowance~~
0-10,000 sq.ft.	40 sq.ft.
10,001-25,000 sq.ft.	50 sq.ft.
Over 25,000 sq.ft.	60 sq.ft. maximum

For the purposes of computing the area of a monument sign and to encourage better design, a border or frame shall not be counted as sign area provided such border or frame does not exceed an additional 25% of the sign area.

~~A.1.b(5)~~ Sign Height: No monument sign including a frame, border or base shall exceed six (6) feet in height as measured from existing grade.

~~A.1.b(6)~~ Sign Location: A minimum distance of 100 feet must be maintained between monument signs. Monument signs shall be placed within a landscaped area. The sign shall not be placed ~~upon any public property or~~ within a corner clear zone, and shall be located as to not create a pedestrian or traffic hazard.

~~A.1.b(7)~~ Sign Structure: The base of a monument sign shall be designed to be an integral part of the sign design, not merely a support. The base of a monument sign shall be solid.

~~A.~~2. WALL SIGNS

Wall signs are intended to be the primary signage for most uses. The following specific design standards shall apply in addition to the General Design Standards in Section 3305~~5~~6:

~~A.2.a~~ Sign Area:~~.~~ The maximum size of a wall sign, including a logo, shall be two (2) square feet of sign area for each lineal foot of building frontage. Frontage is computed on an individual basis in multi-tenant buildings. Building frontage shall be measured along that side of the building for which the sign is proposed.

~~A.2.b~~ Sign Length:~~.~~

~~A.2.b(1)~~ Front Wall Signs - The length of the sign may be up to 70 percent of the building frontage, to a maximum of 50 feet.

~~A.2.b(2)~~ Side and Rear Wall Signs - The length of the sign may be up to 50% of the building frontage, to a maximum of 30 feet.

~~A.2.c.~~ Sign Copy - Letter height for wall signs shall be as follows:

Building Frontage Width	~~Maximum~~ Letter Height
0-20 feet	18 inches
21-40 feet	24 inches
41-60 feet	30 inches
61-80 feet	36 inches
81-100 feet	42 inches
Over 100 feet	48 inches max~~imum~~

Wall signs shall be limited to a maximum of two (2) lines of copy. The maximum letter height and/or sign face height shall be measured as the combination of both lines of copy, including the space between, or the distance between the top of the sign face and the bottom of the sign face.

~~A.2.d~~ Location:~~.~~ The top of the sign shall not project above the intersection of the wall and roof or parapet line. Wall signs shall be limited to two sides of a building.

~~A.~~3 PROJECTING SIGNS

~~A.3.a~~ Projecting signs shall not extend over the public right-of-way unless an encroachment permit is obtained from the City.

~~A.3.b~~ **Sign Area:** A projecting sign shall not exceed 30 square feet.

~~A.3.c~~ **Number of Allowed Signs:** Only one sign per use is allowed and shall only be allowed if the wall it is projecting from does not have any wall signs. (Exception: If a canopy is over the entrance to a use, a projecting sign may be allowed under the canopy at each entrance provided such sign does not exceed eight (8) square feet and the total projecting signage for the use does not exceed 30 square feet).

~~A.3.d~~ **Sign Clearance:** The bottom of any projecting sign shall be at least eight feet above the walkway.

~~A.~~4 CANOPY SIGNS
Any signage on a canopy shall be included in the total allowable wall sign area for that use and must meet the sign area, length and copy standards for wall signs.

~~A.~~5 WINDOW SIGNS
No more than 20 percent of the total window area for any one side of a building shall be used for permanent or temporary sign display.

~~A.~~6 **DIRECTIONAL** ~~INCIDENTAL~~ SIGNS
Directional ~~Incidental~~ signs shall be no more than three feet high and three square feet.

~~A.~~7 A-FRAME AND OTHER PORTABLE SIGNS
A-frame and other portable signs shall be allowed to be erected and maintained subject to ~~the following regulations:~~

~~A.7.a All signs must meet~~ the standards of the "A-Frame and Portable Design Guidelines".

B. RESIDENTIAL USE

Signage for residential uses is allowed, ~~(except off-site commercial signage and other signage~~ **unless** specifically prohibited by this ordinance,~~)~~ if complying with the

following standards:

~~B.~~1 ~~SINGLE FAMILY LOT SIGNAGE~~ SIGNS ON SINGLE AND MULTI-FAMILY RESIDENCES

Single family residential units may display signs as stated in this subsection, subject to the rules stated in this subsection. Such signs may be displayed without permits, unless the sign qualifies as a structure under the Building Code, in which case all building and other safety code rules apply.

Sign Area: At all times, the total display area of all signs shall not exceed 6 square feet; in the case of freestanding signs, area shall be measured on all sides and shall count separately. However, during the pre-election period, this allowable display area may be increased by 6 square feet.

Height: Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.

Number of signs: Not limited

Location: Not on public property or public right-of-way, or mounted on trees or vegetation.

Message types: Any protected non-commercial, real estate signs, garage sale signs. All other commercial messages are prohibited.

~~3303.B.1.a Total sign area shall not exceed 6 square feet per lot.~~

~~3303.B.1.b Maximum total number of separate signs per lot is 2.~~

~~3303.B.1.c Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.~~

~~3303.B.2 MULTI-FAMILY LOT SIGNAGE~~

~~3303.B.2.a Total sign area shall not exceed 2 square feet per dwelling unit with an allowable combined site maximum of 32 square feet.~~

~~3303.B.2.b There shall be no more than two (2)~~

~~signs having a sign area greater than two (2) square feet.~~

~~**3303.B.2.c** Signs shall not be located on public property and shall not create a traffic or pedestrian hazard. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction.~~

~~**3303.B.2.d** Incidental Signs may be placed on site of a multi-family residential use. Incidental signs shall be no more than three feet high and three square feet (square footage is in addition to allowances under b. herein.) The signs shall be permanently placed on site.~~

~~**B.3**~~**2** PROJECT ENTRANCE SIGNS

New housing developments may display signs as authorized by this subsection, subject to the rules stated in this subsection.

The signs authorized by this subsection are in addition to those authorized for individual dwelling units.

Number of Signs Allowed: Two signs per each main vehicular traffic entrance. The signs must be placed within a maintained landscaped area within an acceptable easement or open space lot authorized for signage.

Location: Near the main entrance to the project, on private land. The signs must be placed at the main street intersection of the major entrances to the project in such a location as to not obstruct sight distance. Signs may not be located within a public right-of-way. Signs located in the corner clear zone shall not exceed 30 inches in height, nor create a traffic sight obstruction or other pedestrian or traffic hazard.

Size and Height: Thirty-two square feet (per side); four feet high.

~~Such signs may be installed at the entrance of a project subject to the following limitations:~~

~~**3303.B.3.a** This signage is allowed in addition to the sign area allowed in 3303.B.1 & 3303.B.2 above.~~

~~**3303.B.3.b** Two signs are allowed per site entrance, each sign not to exceed 32 square feet and 4 feet high.~~

~~**3303.B.3.c** The signs must be designed as an integral part of a wall or fence or as a monument sign.~~

~~**3303.B.3.d** The signs must be placed within a maintained landscaped area and within an acceptable easement or open space lot authorized for signage.~~

~~**3303.B.3.e** The signs must be placed at the main street intersection of the major entrances to the project in such a location as to not obstruct sight distance. Signs may not be located within a public right-of way. Signs located in the corner clear zone shall not exceed 30 inches in height, nor create a traffic sight obstruction or other pedestrian or traffic hazard.~~

C. ~~INSTITUTIONAL,~~ AGRICULTURAL~~,~~ OR OPEN SPACE USES

The following signs are allowed:

~~**C.**~~**1.** WALL SIGNS

Wall sign area shall not exceed forty (40) square feet.

~~**C.**~~**2.** MONUMENT SIGNS

Monument signs shall be not exceed forty (40) square feet, ~~n~~or six (6) feet in height. Monument signs shall be placed within a landscaped area.

D. TEMPORARY SIGNAGE

~~**D.**~~**1 PRIVATE PROPERTY**
The signs authorized by this section are in addition to the maximum allowable signage which is otherwise allowed for signage on a site or residential lot.

Height: Maximum height for freestanding temporary signs is 5 feet.

Number of signs: Unless otherwise stated, the maximum number of separate temporary signs is 4 for commercial, institutional or industrial uses, and 2 for residential, agricultural or open space uses.

Location: Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction hazard. Temporary signs shall not be posted on any tree, bush or other vegetation.

No offsite commercial messages: Temporary signage may not be used to display offsite commercial messages, or to be used for general advertising for hire.

~~D.1.a~~ TIME PERIOD.

~~D.1.a(1)~~ Commercial, **Institutional** or Industrial Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year ~~of~~ from one (1) to fifteen (15) days each period, per use. For building complexes, the combined number of temporary sign display periods shall not exceed five (5) per calendar year. Temporary sign display time periods may be combined consecutively on a site to allow for a total of up to 45 consecutive days of temporary sign display (up to 75 consecutive days for building complexes).

~~D.1.a(2)~~ Residential, Agricultural, Open Space, ~~or Institutional~~ Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year from one (1) to fifteen (15) days each period, per each lot. Temporary sign display time periods may be combined consecutively on a lot to allow for a total of up to 45 consecutive days of temporary sign display.

~~D.1.a(3) All Uses~~ - **Temporary Signs Displaying Protected Noncommercial Speech.**

Temporary signage used to display protected noncommercial speech is allowed at all times, however the sum of commercial and noncommercial speech temporary sign display area(s) at any given point shall not exceed the maximum area permitted. During the election period, temporary noncommercial display area allowances may be increased to permit an unlimited number of signs. Sign area is limited to 16 square feet per sign for commercial and industrial uses, and 6 square feet per sign for residential, institutional, agricultural, or open space uses.

~~Up to thirty days prior, and ten days after any local, state, regional, or national official election temporary signage is allowed in addition to and without limitation of 3303 D.1.a. (1) and (2) and 3303.D.1.c (1) and (2). Sign area is limited to 16 square feet per sign for commercial and industrial uses, and 6 square feet per sign for residential, institutional, agricultural, or open space uses. The number of signs during this time period is not limited. Such signage may~~

~~carry any form of non-commercial signage, consistent with this Article.~~

~~D.1.b~~ EXCEEDING TIME ALLOWANCE. If the duration of temporary sign display **of commercial messages** exceeds the **applicable** maximum time period **for temporary signs, then** ~~allowed in (1) above,~~ the sign **shall be deemed permanent and the area thereof** ~~.is not considered a temporary sign. Such signage~~ shall be counted against the allowable area for permanent signage for the site or lot. A sign installation permit must be obtained or the sign must be removed.

~~D.1.c~~ SIGN AREA.

~~D.1.c(1)~~ Commercial, **Institutional** or Industrial Uses. The maximum allowable temporary sign area for a site, per time period, is the same as the allowable wall sign area. For the purposes of temporary sign area computation, the area of pennants, flags, streamers, whirligigs, and similar attention-getting devices not displaying written messages shall not be included.

~~D.1.c(2)~~ Residential, Agricultural, Open Space ~~or Institutional~~ Uses. The maximum allowable temporary sign area is six (6) square feet.

~~3303.D.1.d ALLOWANCE ABOVE PERMANENT SIGNAGE MAXIMUM. The area of temporary signage allowed herein is in addition to the maximum allowable sign area for permanent signage on a site or residential lot.~~

~~D.1.e HEIGHT. Maximum height for freestanding temporary signs is 5 feet.~~

~~D.1.f~~ NUMBER OF SIGNS~~. Unless otherwise stated in 3303.D.1.a(3), the maximum number of separate temporary signs is 4 for commercial or industrial uses, and 2 for residential, agricultural~~, open space~~, or institutional uses, provided that the combined area of all signs may not exceed the maximum allowed in "c" herein~~.

~~D.1.g SETBACK. Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.~~

~~D.1.h~~ OWNER PERMISSION. Permission of the owner of the premises on which the signage is located is required.

~~D.1.i~~ ~~ON-SITE PLACEMENT. Temporary commercial signage, consistent with other provisions in this article, shall only be located on the site of the business or entity to which it relates, if of a commercial nature.~~

~~D.1.j~~ ~~POSTING ON VEGETATION. No temporary sign shall be posted on any tree, bush or other vegetation.~~

~~D.1.k~~ BALLOONS, INFLATABLE SIGNS OR INFLATABLE ATTENTION GETTING DEVICES. In addition to the temporary signage permitted above, balloons or inflatable signs or devices shall be permitted subject to the following restrictions for ~~commercial~~ usage:

~~3303.D.1.k(1)~~ Such devices shall be allowed one time in the life of **an establishment at a given location** ~~business~~ for a period of not more than 15 calendar days. Only one balloon or inflatable sign/device is permitted per **establishment** ~~business~~.

~~3303.D.1.k(2)~~ All requirements of the "Balloons and Inflatable Signs or Attention Getting Device Guidelines" shall be met.

~~3303.D.1.k(3)~~ Prior to use, all inflatable signs shall obtain a permit from the **City Planner** ~~Planning Director~~ and Enforcement Officer. Permit requirements include submittal, review and approval of an application and payment of required fees. An application fee of $100 and a deposit of $400 are required for each application. **Applications that satisfy all applicable laws, rules, regulations, policies and guidelines shall be approved.**

~~3303.D.1.l~~ COST RECOVERY. Whenever the **City** ~~Enforcement Officer~~ causes the removal of a temporary sign, **for violation of applicable laws, rules etc., t**he cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager or designee is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction,

to recover any such costs.

~~**3303.D.2 PRIVATE PLACEMENT ON RIGHT-OF-WAY**~~

~~**3303.D.2.a** TIME PERIOD. Temporary noncommercial signs may be displayed up to thirty days prior and five days after any official local, state, regional, or national authorized election. Such signage may carry any form of noncommercial message, consistent with this Article.~~

~~**3303.D.2.b** SIGN AREA. The maximum allowable sign area is 6 square feet per sign.~~

~~**3303.D.2.c** HEIGHT. Maximum height of freestanding signs is 5 feet.~~

~~**3303.D.2.d** POSTING ON STRUCTURES. All signage within the public right-of-way shall be self-supporting and freestanding. No temporary sign shall be posted on any streetlight, utility pole, post, pole, or structure supporting a traffic-control sign or signal, fire hydrant, or similar structures in the public right-of-way.~~

~~**3303.D.2.e** SAFETY OF PLACEMENT. Temporary signs posted in the public right-of-way shall meet the following criteria:~~

~~**3303.D.2.e(1)** When located in the Corner Clear Zone, the sign shall not exceed 30 inches in height.~~

~~**3303.D.2.e(2)** Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs, or signals, or otherwise represent a hazard to vehicular or pedestrian traffic.~~

~~**3303.D.2.e(3)** Signs shall not impede a pedestrian's free use of the sidewalk.~~

~~**3303.D.2.e(4)** Signs shall be securely affixed to the property on which they are placed.~~

~~**3303.D.2.e(5)** Signs shall not be placed in the center of public roadway medians.~~

~~**3303.D.2.f** APPLICATION REQUIREMENTS. Prior to posting any temporary sign on the right-of-way, the private party responsible for the posting and~~

~~maintenance of such signs, hereinafter referred to as "responsible party," shall provide the following information to the Enforcement Officer:~~

~~**3303.D.2.f(1)** Application. An application shall be filed with the Building Department by the "responsible party". This application shall be in a form and content as required by the Enforcement Officer. This application shall minimally include the following information:~~

~~**3303.D.2.f(1)(a)** Identification Information. A description of the signs sufficient to allow the Enforcement Officer to identify the responsible party for the purposes of enforcement.~~

~~**3303.D.2.f(1)(b)** Name, address, and telephone number of the responsible party.~~

~~**3303.D.2.f(1)(c)** The erection and removal dates for the signs.~~

~~**3303.D.2.f(2)** Deposit. A $250 deposit per application is required. The deposit is refundable. Costs of enforcement, if required, may be deducted from the deposit prior to refund.~~

~~**3303.D.2.f(3)** No permit nor deposit is required for the posting of temporary signs on public property by the City of Oceanside.~~

~~**3303.D.2.g** SIGN REMOVAL. Temporary signs shall be removed from the public right-of-way not later than the removal date indicated in the application.~~

~~**3303.D.2.h** COST RECOVERY. Whenever the Enforcement Officer causes the removal of a temporary sign, the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.~~

~~**3303.E. PUBLIC PROPERTY**~~

~~**3303.E.1 PRIVATE PLACEMENT**~~

~~Due to the effects of weather elements, traffic distractions, visible blight and aesthetic concerns,~~

~~the public may place only the following signs on public property:~~

~~**3303.E.1.a** Kiosk signs are subject to the restrictions below.~~

~~**3303.E.1.b** Temporary, non-commercial signs, subject to the restrictions under "temporary" signs within this Article.~~

~~**3303.E.2 PICKET SIGNS**~~

~~The personal carrying of signs or "picketing" is allowed on public property, except in the roadway due to traffic safety concerns, so long as it is done in such a manner not to interfere with the public's ingress or egress or free use of sidewalks or public right-of-way.~~

~~**3303.E.3 GOVERNMENT SIGNAGE**~~

~~Just as commercial, non-commercial and residential owners are allowed the right to provide signage on their property related to their need for expression, so too is the government allowed the right to signage on its (public) property with the following standards:~~

~~**3303.E.3.a** GOVERNMENT OWNED SIGNAGE. Permanent signage owned in full or in part by the government related to the conduct of governmental business shall not exceed that allowed for commercial or industrial uses.~~

~~**3303.E.3.b** KIOSK PROGRAM. This Section provides for directional signage within the public right-of-way within an approved kiosk under the City's Kiosk program. It is intended to permit government owned off-site directional signs necessary to serve the community for purposes of order, direction and safety. In order to avoid adverse effects on the aesthetics of the City, to minimize traffic safety issues and to prevent a proliferation of such signs, regulations for the location, standards, number of such signs, and their approval and removal are included in this Section.~~

~~**3303.E.3.b(1)** Sign Standards and Structural Requirements. All kiosk displays shall substantially comply with the sign design standards, program guidelines, and structural requirements. The Enforcement Officer shall review all such displays to ensure their compliance with those standards and requirements.~~

~~**3303.E.3.b(2)** Kiosk Program for Commercial and Non-Commercial Signs.~~

~~**3303.E.3.b(2)(a)** The Building Director or its agent shall establish kiosk displays and approve the location and construction of such displays in various strategic locations throughout the City. Such design and location discretion shall only be made with due consideration to aesthetic appearance, cost, readability, traffic and public safety concerns.~~

~~**3303.E.3.b(2)(b)** An applicant may apply for signage to be placed within one or more kiosk displays designated by the Building Director. All applicants shall be subject to the rules, regulations and requirements placed on such signage consistent with the provisions of this Article and the City's kiosk program guidelines.~~

~~**3303.E.3.b(2)(c)** One kiosk design shall be utilized throughout the City and shall be on file in the Building Department. The height and design of all kiosk displays shall be subject to approval of the City in accordance with the kiosk program guidelines.~~

~~**3303.E.3.b(2)(d)** Kiosks shall be in the public right-of-way.~~

~~**3303.E.3.b(2)(e)** Each kiosk shall have "Oceanside" and the City logo displayed in a prominent location on the sign.~~

~~**3303.E.3.b(2)(f)** No more than eight kiosk sign panels for any person or entity is allowed within the City. A kiosk sign display shall not be duplicated on an individual kiosk. A double-sided message display shall be considered one kiosk sign display for the purposes of this Article.~~

~~**3303.E.3.b(2)(g)** There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved.~~

~~**3303.E.3.b(2)(h)** Any sign placed contrary to the provisions of this ordinance may be~~

~~removed by the Enforcement Officer without prior notice. Non-compliance or kiosks improperly maintained shall be subject to the enforcement provisions provided in this Article and/or the Oceanside City Code.~~

~~3303.F SIGNS WITHIN THE SMALL CRAFT HARBOR AREA~~

~~In addition to the sign regulations elsewhere in this Article, the following regulations shall also apply in the Oceanside Small Craft Harbor:~~

~~**3303.F.1** GOVERNMENT SIGNAGE/ SURFACE STREETS APPROACHING THE HARBOR.~~

~~Surface street approach signs should be of a distinctive character for designation of the Harbor location. These signs shall be visible day and night and located at key points within the public right-of-way of streets leading to the Harbor, with all turns clearly indicated in advance.~~

~~**1. FREESTANDING SIGNS**~~
~~**3303.F.2.** POLE OR GROUND SIGNS.~~

~~**3303.F.2.a** Major. A major pole or a ground sign shall be allowed at the two major entryways to the Harbor. The sign shall be designed to denote "Oceanside Harbor" with the appropriate directional signage. Signage of uses within the harbor area may be displayed on separate lighted panels. Non-commercial messages may also be displayed.~~

~~**3303.F.2.b** Minor. Minor pole or ground signs shall be allowed at major intersections within the harbor. These signs shall be a variation of the sign design proposed for the major entryways to the Harbor. The use of a modular replaceable unit or a translucent panel system with internal lighting, and a highly visible typeface, is recommended for these locations. Non-commercial messages may also be displayed.~~

~~**3303.F.2.c** Typeface. A limited number of typefaces for major and minor pole signs are available for the various panels. Proprietary or specialized typefaces which have been consistently utilized by a "chain" and are compatible (i.e., legibility, scale, color) with the others in the sign, may also be displayed.~~

~~**3303.F.2.d** Maximum height of a minor pole or ground sign is 14 feet.~~

~~**3303.F.3** SITE SIGNS.~~

~~Site signs shall display information in a coordination of design in effort to create a more cohesive and pleasing atmosphere. Site signs shall fall within the categories of monument signs, wall signs and incidental signs.~~

~~**3303.F.3.a** Monument Signs~~

~~**3303.F.3.a(1)** Location. Signs shall be located at the outer face of leasehold or near the street front property line or vehicular entrance to leasehold. Sign**s** must be located and oriented to avoid interference with vehicle driver's safe line of sight.~~

~~**3303.F.3.a(2)** Maximum Quantity. One (1) per business entity at street frontage or entrance driveway.~~

~~**3303.F.3.a(3)** Size. Maximum panel size is six (6) square feet. Maximum height is six (6) feet.~~

~~**3303.F.3.a(4)** Materials. Limited to wood or acceptable metals or plastics.~~

~~**3303.F.3.b** Wall Signs.~~

~~**3303.F.3.b(1)** Location. Signs shall be located on building façade or on-site adjacent to entry of building. Wall signs shall not be placed on roofs or windows.~~

~~**3303.F.3.b(2)** Maximum Quantity. One (1) per independent business entity on each street frontage and/or water frontage façade.~~

~~**3303.F.3.b(3)** Size. Size and quantity must be compatible with scale of structure, but in no case can it exceed 12 square feet of panel size in one elevation (building face) or 24 square feet on all elevations (building face).~~

~~**3303.F.3.b(4)** Materials. Limited to wood or acceptable metals or plastics.~~

~~**3303.F.3.c** Incidental Signs.~~

~~**3303.F.3.c(1)** Location. Signs may be located~~

~~anywhere within a leased parcel.~~

~~**3303.F.3.c(2)** Maximum Quantity. Number of signs per leased parcel shall be as needed for directional and informational signage.~~

~~**3303.F.3.c(3)** Size. Maximum of four (4) square feet for each panel size and a total of 24 square feet for all incidental signage on a lease parcel.~~

~~**3303.F.3.c(4)** Materials. Limited to wood or acceptable metals or plastics.~~

~~**3303.F.4** GENERAL DESIGN STANDARDS FOR ALL SITE SIGNS.~~

~~All site signs shall conform to the following design standards:~~

~~**3303.F.4.a** Extensive use of wood in both sign panel and support structure is desired.~~

~~**3303.F.4.b** A maximum of two typefaces acceptable to the Harbor District shall be used on all signs within a lease parcel.~~

~~**3303.F.4.c** Display light sources should be screened from autos, boats and pedestrians. No internal lighting is permitted.~~

~~**3303.F.4.d** Temporary display banners and flags require approval by the Harbor Director as to size and location.~~

~~**3303.F.4.e** Boat sale displays should have consistent sign sizes and typography within a single parcel, and "false sail" signs in sailboat rigging should be in conformance with these regulations. (See Boat Sign Ordinance 72-5.)~~

~~**3303.F.4.f** No more than 20 percent of the total window area for any one side shall be used for permanent or temporary sign display.~~

~~**3303.F.4.g** Temporary signs affixed to trailers or boat cradles are discouraged.~~

~~**3303.F.4.h** Where multiple uses are located within the same parcel, signs should be of similar materials and proportions, consistently located and lighted, and of not more than two typeface styles (except for compatible regionally or nationally recognized "chain" logo/type-faces").~~

~~**3303.F.4.i** No lighted sign will be allowed that creates a confusing background for Harbor night entry.~~

~~**3303.F.5**~~ ~~APPROVAL REQUIREMENTS~~.

~~Upon application, all signage shall receive a permit if the signage is in compliance with all provisions of this Article for general signage and Harbor District signage. All signs (except for incidental signs without electricity or temporary signs) must have a permit from the City of Oceanside Building Department prior to installation~~.

~~3303.G~~E. SIGNS WITHIN THE ~~REDEVELOPMENT~~ Downtown "D" District ~~AREA~~

In addition to the sign regulations elsewhere in this Article, **regulations stated in this section** ~~the following regulations~~ shall also apply in the "D" District ~~Redevelopment Area.~~: The height, width, depth, colors and design features, including lighting and structural support of **all exterior signs** ~~each and all signs to be erected outside of buildings or attached to any building~~ shall be subject to the~~se~~ design objectives ~~hereinafter~~ stated **in this section**. The **purpose** ~~object of these design objectives~~ **of this section** is to assure compatibility of ~~each and~~ all signs with the architecture of buildings. ~~All signs shall conform to the City's sign standards and as said City standards may subsequently be further amended.~~ Where conflict exists between City standards and the requirements of these regulations, the more restrictive shall apply.

~~**3303.G.**~~**1** PLANNED COMMERCIAL DEVELOPMENT:

~~**3303.G.1.a.**~~ MONUMENT SIGNS

Signs may not exceed six feet (6') in height and shall be located in a landscaped area, the minimum size of which shall be no less than the size of the sign, **measured on both sides**.

~~**3303.G.1.b.**~~ WALL SIGNS

The maximum area of ~~these~~ **wall** signs shall not exceed ~~the size requirement of~~ two (2) square feet of sign area for every lineal foot of occupant's primary frontage, **but in no case** ~~not to~~ exceed**ing** 200 square feet.

~~**3303.G.1.c.**~~ **COURTESY** ~~INCIDENTAL~~ SIGNS

Up to two courtesy signs per occupant frontage, attached to the building or projection thereof, within the limits of each occupant's building frontage, is allowed, subject to a sign permit. In addition, signs designed to guide pedestrian or vehicular traffic are allowed, provided that each such sign do not exceed three (3) square feet.

~~Two incidental signs per occupant frontage attached to the building or projection thereof within the limits of each occupant's building frontage shall be permitted. Signs designed to guide pedestrian or vehicular traffic are permitted, provided such signs do not exceed three (3) square feet~~.

~~3303.G.~~**2.** MULTI-FAMILY RESIDENTIAL AND CONDOMINIUMS:

One **monument** project entrance sign may be installed if the project has access onto one (1) dedicated public street. Two (2) project entrance signs may be permitted when the project has access onto two (2) or more dedicated streets. Monument signs may not exceed six feet (6') in height and shall be located in a landscaped area, the minimum size of which shall be no less than the size of the sign, **measured on both sides**.

~~3303.G.~~**3.** SINGLE COMMERCIAL BUILDING:

One wall sign per occupant frontage attached to the building or projection thereof and within the limits of each occupant's building frontage (exposed sides of buildings) shall be permitted to a maximum of two (2) signs per occupant. Size shall be limited to two (2) square feet of sign area for every lineal foot of occupant's primary frontage, not to exceed 200 square feet **of cumulative sign area**. In addition, one monument sign may be allowed pursuant to item 1.a. above.

~~3303.G.~~**4.** SIGN LIMITATIONS: Pole signs **are prohibited in the "D" District.** ~~**Redevelopment Area** shall not be permitted.~~

~~3303.G.~~**5.** ADDITIONAL REGULATIONS AND CONTROLS:
All ~~re~~developers and owner-participants shall be required to include a sign provision in any and all leases with tenants requiring such lessees to conform to the established sign design and policy within the ~~Project Area~~ **"D" District** in order to ensure a reasonable degree of uniformity and continuity of sign design, scale, proportion, size and placement.

~~3303.H~~**F.** SIGNS WITHIN A HISTORIC DISTRICT

In addition to the regulations elsewhere in this Article, the following regulations shall also apply in the Historic District:

~~3303.H.~~1. ~~SIGN~~ PURPOSE **AND CONSISTENCY**~~.~~

~~3303.H.1.~~a. Historic District Signs shall ~~be architecturally attractive and~~ contribute to the retention or restoration of the historic character of the area. Such signs ~~should~~ **may** not compete with one another in terms of visibility, or dominate the setting via inconsistent height, size, shape, number, color, lighting or movement.

~~3303.H.1.b An effective signing and graphics system functions not as a separate entity but as an integral part of the built environment. Carefully planned signs communicate essential information, while also ordering and enhancing the architectural environment.~~

~~3303.H.1.C~~b. ~~Consistency.~~ **The following sign regulations** ~~Design criteria are needed to encourage and coordinate well-designed signage. The following sign regulations~~ are ~~also~~ intended to assure **Historic District establishment**s ~~the merchant~~ that all other establishments are similarly regulated ~~in the Historic Area.~~ A comprehensive sign package shall be required for all development within the Historic Area. ~~to insure compliance with these guidelines.~~

~~3303.H.2 DEFINITIONS.~~

~~3303.H.2.a Historic Sign. Any sign used to recreate a replica or restore a historic structure related to the Mission San Luis Rey, All Saints Church or Heritage Park. Documentary evidence of such a sign must be presented to Oceanside Historic Preservation Advisory Commission (OHPAC).~~

~~3303.H.2.b Historic Marker. Signs or markers approved by the City, State or Federal Government to be located on historic sites, points, or structures, or describe directions to such from prominent visible locations within the public right-of-ways.~~

~~3303.H.3~~2. **STRUCTURAL AND DIMENSIONAL RULES** ~~SIGN TYPES~~

~~RESTRICTIONS.~~

~~3303.H.3.a~~. A freestanding sign shall not exceed 12 feet in height.

~~3303.H.3.b~~. A wall sign **may** not exceed~~ing~~ four (4) feet in height **and must be** securely affixed to a wall and project~~ing~~ no more than 6 inches from ~~a parallel to~~ the face of ~~such of~~ the wall. A wall sign shall not project beyond the edge of the building face nor above the highest line of the building to which it is attached. The length of the sign may be up to 80% of the building frontage, and shall not exceed 20% of the building frontage wall **area**.

~~3303.H.3.c~~. Window signs painted or permanently affixed on an interior translucent surface, including windows and doors, shall not exceed 20% of the area visible from any one point of the building. Exterior window signs are prohibited.

~~3303.H.3.d~~. A monument sign shall not exceed six feet in height (except Entry Monuments which may be twelve feet) and supported by a base not exceeding 25% of sign area.

~~3303.H.4~~3. DESIGN STANDARDS.

~~3303.H.4.a~~ **Review:** All **applications for Historic District** signs shall be reviewed by Oceanside Historic Preservation Advisory Commission (OHPAC) and **shall be** ~~only~~ approved **only** when ~~such signs~~ they conform to the sign controls herein as to characteristics and designs. **However, such review shall not consider the message content of the proposed signs.**

All requests for signs in excess of sixteen (16) square feet shall be accompanied by documentary evidence that signs of such size and advertising existed in the area during the early years that the mission was in operation. Signs must conform in size, shape, design, material, coloring, lighting and location to the period before the Civil War, unless associated with Heritage Park which is not subject to this criteria.

~~3303.H.4.b~~ **Sign Review Information:** Application for a sign permit shall be accompanied by sketches and drawings to scale ~~an dimensions~~ showing details of construction, and shall delineate the size, shape,

design, material, coloring, lettering, lighting and position in relationship to the building form or place where it will be displayed. Scaled sketches of existing signs on the premises, including signs for which valid permits exist, whether or not such signs are in existence, shall accompany the application.

~~3303.H.4.c~~ **Colors:** Colors shall be consistent with the period of the building or site. No luminous paints or plastics shall be permitted.

~~3303.H.4.d~~ **Typefaces:** The typeface used on all signs shall be consistent with the mission period. Acceptable type styles include the following (unless associated with Heritage Park or Ivey Ranch Park which are not subject to these type styles): Libra, Goudy, Medieval, Solemnis, Garamond, Friar, Alternate Gothic, American Uncial.

~~3303.H.4.e~~ **Illumination:** Signs may be lighted. However, no light that flashes or blinks or effects changes in hue or intensity of illumination is permitted. **Digital display signs(LCD, CCD, plasma, etc.) is prohibited.** Illumination sources for the sign shall be hidden from view.

~~3303.H.4.f~~ **Acceptable Sign Materials:** The following materials are acceptable for sign face, supports or standards.

~~3303.H.4.f(1)~~ Rough sawn wood and/or wrought iron with painted backgrounds and lettering.

~~3303.H.4.f(2)~~ Smooth wood with painted background and lettering.

~~3303.H.4.f(3)~~ Wood cutouts, carved out letters, or wrought iron silhouettes on any of the above.

~~3303.H.4.f(4)~~ Signs directly painted on a building. (This is defined as a wall sign.)

~~3303.H.4.f(5)~~ Ceramic tiles of letters or symbols inset in adobe or wood.

~~3303.H.4.f(6)~~ Wood or stucco finished sign posts are **required** ~~recommended~~.

~~3303.H.4.g~~ **Prohibited Sign Materials:** The following materials are **prohibited for Historic District signs** ~~not acceptable~~:

~~3303.H.4.g(1)~~ Contemporary finishes such as plastics, fiberglass, porcelain enamel, aluminum and stainless steel.

~~3303.H.4.g(2)~~ Sheet metal.

~~3303.H.4.g(3)~~ Bright glossy enamel, fluorescent paint or reflective surfaces.

~~3303.H.4.g(4)~~ Exposed metal supports in extruded, rolled or tubular sections.

~~3303.H.5~~ ~~COMMERCIAL USES~~.

~~3303.H.5.a~~ **Sign Placement:** One wall sign is permitted on the face of each establishment.

~~3303.H.5.b~~ **Sign Size:** A sign on the front or primary face of an establishment shall not exceed one square foot for each linear foot of frontage, **up to a maximum of 16 square feet.** ~~Signs over 16 square feet are discouraged.~~

~~3303.H.5.d~~ Signs on the side or rear wall of an establishment shall not exceed one-half square foot for each linear foot of street or dedicated walkway frontage along those walls, ~~. Signs exceeding~~ up to a maximum of 12 square feet ~~are discouraged~~.

~~3303.H.5.e~~ On perpendicular (30 degree or greater) projecting sign not to exceed six (6) square feet will be permitted on the front of or primary face of each establishment~~, provided that the sign is designed as a graphic representation of the establishment's goods or services, such as a boot advertising a shoe store~~.

~~3303.H.5.c~~ **Freestanding Signs:** No freestanding or roof top canopy signs shall be permitted, unless the establishments are located within an arcade, court or similar structure **that is** not on a public right-of-way. I**n such** ~~f this is the~~ case, the~~y~~ **establishment**s **so located** may collectively place a single freestanding sign at the entrance of said arcade or court. ~~to identify the establishments within.~~ Maximum height of such sign shall not exceed four feet above average adjacent grade. Each establishment shall have a maximum of 1.5 square feet for **display of their message or image** ~~identification~~.

~~**3303.H.5.f** Signs offering information on incidental services or recommendations, e.g. AAA, Visa, Carte Blanche, etc. shall not be visible from the public right-of-way.~~

~~**3303.H.5.f(1)** Incidental signs are permitted on the faces of the buildings or structures provided that such signs shall not be placed higher than eight (8) feet above the immediately adjacent ground level or above the eave line whichever is the lesser.~~

Courtesy Signs: Courtesy signs are permitted on the faces of buildings or structures, provided that are not placed higher than 8 feet above the immediately adjacent ground level or above the eave line, whichever is the lesser.

~~**3303.H.5.f(2)**~~ **Directional Signs:** Multi-user directional signs **may be** ~~are permitted to~~ located on a separate freestanding pole structure provided that the structure and/or sign affixed to same does not exceed six feet in height.

~~**3303.H.5.f(3)**~~ Single use directional signs shall be no more than three feet high ~~and three square feet~~. ~~The signs shall be permanently placed on-site.~~

~~**3303.H.5.g**~~ Maximum size for a single sign or panel ~~shall be that which is necessary to convey the necessary information, not to exceed a maximum of~~ **is** four (4) square feet; maximum number per establishment is four.

~~**3303.H.5.h** Total number of signs to be used for this purpose shall not exceed four (4) per establishment and shall be combined when possible.~~

~~**3303.H.5.i**~~ **Address Signs/ Name Plates: Name plates and address identifiers shall not exceed one square foot in area; maximum one per establishment or residence.** ~~Residence and establishment name signs, occupants name plates and address numbers are those signs which, by their nature and wording, or lettering identify and locate either the house, establishment, or its occupant, or both. Such signs may include pictorial and decorative designs, as well as words and numbers, and may be in any shape or form, but shall not exceed one (1) square foot in~~

~~area.~~

~~**3303.H.5.j**~~ **Location Markers:** Location markers are permitted as ground signs which illustrate the historic core layout and list and locate the establishments therein. The sign shall not exceed four feet in height or width. They shall have a terra cotta red background with white letters or graphics. The location and number of these markers shall be determined by OHPAC.

~~Service signs shall only provide general public information to direct the way to such public places or facilities as information centers, historic places or structures, food, restrooms, telephones, emergency stations, plazas, village commercial area, etc. Service signs shall be permitted as wall or ground signs and shall be limited in number and location. These signs may be combined and consist of a minimum of one panel and a maximum of four panels. The maximum height of a sign structure with panels shall be eight feet, with a maximum width of four feet. These signs shall have a terra cotta red background with white letters.~~

~~**3303.H.6 HISTORIC CORE ENTRANCE MARKERS.**~~
~~They shall be provided at significant historic core boundary points such as special intersections. These signs shall not exceed three feet in width or height. They shall have a terra cotta red background with white letters of American Uncial style.~~

~~**3303.H.6.a** Street signs shall convey the name of the street only, and comply with the guidelines herein. Standards or poles shall convey the unique historic character of the area.~~

~~**3303.H.6.b** Traffic safety signs shall be subject to the standards of City, State and Federal highways and shall be approved by OHPAC. Traffic sign standards shall be designed to convey the unique character of the historic area. They shall be inset in stucco finished materials.~~

~~**3303.H.7 DESIGN STANDARDS**~~

~~**3303.H.7.a** All requests for signs in excess of sixteen (16) square feet shall be accompanied by documentary evidence that signs of such size and advertising existed in the area during the early years that the mission was in operation. Signs must conform in size, shape, design, material, coloring, lighting and location to the period before the Civil~~

~~War, unless associated with Heritage Park which is not subject to this criteria.~~

~~**3303.H.7.b** Historic markers are subject to review and approval of locations and number by OHPAC.~~

~~**3303.I NON-COMMERCIAL SIGNAGE**~~

~~In each instance and under the same conditions as this chapter permits any sign, a sign containing an ideological, political or other non-commercial message and constructed to the same physical dimensions and characteristics shall be permitted~~.

33054 PROHIBITED SIGNS

~~Prohibited signs shall include, but are not limited to,~~ ~~t~~**T**he following signs are prohibited:

~~**3304.**~~**A.** Animated Signs.

~~**3304**~~**.B.** ~~Obscene signs.~~ **New billboards and conversion of existing billboards to digital or electronic display.**

~~**3304.**~~**C.** Signs that physically obstruct or pose obstruction to vehicular or pedestrian travel.

~~**3304.**~~**D.** Roof signs.

~~**3304.**~~**E.** Abandoned signs.

~~**3304.**~~**F.** Signs **that mislead or confuse drivers** ~~Misleading Traffic.~~

~~**3304.**~~**G.** Illegal signs.

~~**3304.H** Offsite Commercial Signage (except kiosk program).~~

~~**3304.I**~~ **H.** Signs displayed without Permission of Owner or Lessee.

~~**3304.J**~~ **I. Signs that are h**~~H~~azardous or unsafe ~~signs.~~**by virtue of their physical condition.**

J.Signs that flash, blink or use intermittent light, or which emit smoke, fumes, flashes, sparks, or sound;

K. Commercial mascots

L.Signs that use reflectors or mirrors

M.Search lights used for advertising or attention getting

N. Signs that are activated by air, forced air, forced gas, or wind.

O. Signs that interrupt or encroach into the corner clear zone.

P. Private party signs placed on City property without consent, as provided in Article 33B.

Q. Digital display/Electronic Message signs, excepting therefrom signs permitted pursuant to Section 3307, Comprehensive Sign Package.

R. Feather banners

3306~~5~~ GENERAL SIGN STANDARDS

~~The following sign standards shall apply to all signage within the City.~~

~~3305.~~A. SIGN AREA

Signage area shall be calculated by using the entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, trough signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

~~3305.~~B. HEIGHT

The height of any sign shall be the measurement from the top of the sign cabinet, including all ornamentation and supports, to the existing grade beneath the sign.

~~3305.~~C. ILLUMINATION

Sign illumination shall be from interior light source contained within the sign cabinet. Indirect exterior illumination shall be permitted provided the light source is entirely shielded from view. Such signs shall comply with the following provisions:

~~3305.C.1~~ No sign shall be illuminated by an exposed light source visible from any public street or residential property. Neon tubing shall be allowed on a limited basis**, subject to City Planner approval,** ~~only~~ if it is made an integral part of the sign design and computed within the sign area~~,~~ ~~and only with the approval of a Comprehensive Sign Package~~.

~~3305.C.2~~ ~~No sign shall employ strobe lights, or any other light source that pulsates, blinks, or flashes.~~

~~3305.C.3~~ No sign shall employ the use of mirrors or any other highly reflective surfaces so as to direct or reflect any natural or artificial light onto any public right-of-way or adjoining property.

~~3305.C.4~~ Halo or back lighting shall **not** ~~only be allowed if it is~~ counted ~~as part of~~ **toward** the total sign area ~~and only with the approval of the Planning Director.~~

~~3305.D~~ ~~**SIGN MAKER IDENTIFICATION**~~

~~All signs must have the sign owner's name, address and telephone number conspicuously and permanently attached on the exterior of the sign.~~

~~3305.E~~ ~~**PLACEMENT OF SIGNS**~~

~~Commercial signs, except where specifically allowed elsewhere within this Article, shall be placed on the site of the use which the sign is intended to identify. Signs shall not be placed or overhang on public property nor within the public right-of-way unless provided for elsewhere herein.~~

~~3305.F~~D. SIGN MAINTENANCE

All signs shall be kept in good repair at all times.

E. RELOCATION

A permanent sign may be relocated only pursuant to a new permit. Relocated signs must comply with all rules that apply to the new location.

~~3305.G~~F. FLAGS

Flags are considered signage if not meeting the definition of "flag" in Section 330~~2~~3.

3307~~6~~ **PROCEDURES ~~FOR~~ OF SIGN APPROVAL**

All sign permit applications shall be consistent with the provisions of this Article and/or with an approved Comprehensive Sign Package. A Sign Installation Permit can

be issued upon the completion of the steps in Section B below.

~~3306~~.A TYPES OF SIGN PERMITS

All signs that are not expressly exempted from the sign permit requirements may be installed, erected, or displayed only pursuant to a sign permit. There are two types of sign permits: Sign Installation Permits and Comprehensive Sign Packages.

~~3306.A.~~1. **SIGNS EXEMPT FROM SIGN PERMIT REQUIREMENTS** ~~SIGN INSTALLATION PERMIT~~.

An exemption from Sign Installation Permit shall not be deemed to grant authorization for the installation of any sign not in compliance with all requirements of this Article, not any provisions of the codes of the City of Oceanside. All signs that have an electrical system shall require an electrical permit issued by the Building Official. The following sign types are exempt from the sign permit requirement, but are still subject to all other applicable laws, rules, regulations, policies and approvals.

~~All signs consistent with this Article and/or with an approved Comprehensive Sign Package may file directly with the Building Department for a Sign Installation Permit. All signs require a Sign Installation Permit except as listed below~~:

~~3306.A.1.a.~~ Temporary Signs in compliance with Section 3304~~3~~.D of this Article.

~~3306.A.1.b.~~ Window Signs in compliance with Section 3304~~3~~.A.5~~6~~ of this Article.

~~3306.A.1.c.~~ A-Frame and other portable signs in compliance with Section 3304~~3~~.A.7~~1.h~~ of this Article.

~~3306.A.1.d.~~ Signage on ~~single family~~ residential property in compliance with Section 3304~~3~~.B.1 of this Article.

~~3306.A.1.e Signage less than 6 square feet on multi-family residential property in compliance with Section 3303.B.2 of this Article.~~

~~3306.A.1.f~~e. **Courtesy** ~~Incidental~~ Signs in compliance with this Article.

~~An exception from Sign Installation Permit~~

~~requirements shall not be deemed to grant authorization for the installation of any sign not in compliance with all requirements of this Article, nor any provisions of the codes of the City of Oceanside. All signs that have an electrical system shall require a permit issued by the Building Director.~~

Application for a Sign Installation Permit may be filed with the Development Services Department or Economic and Community Development Department. The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the City Planner or the Economic and Community Development Director that said application complies with the provisions of this Article and all other applicable laws, rules, regulations and policies, including all applicable health and safety codes.

~~3306.A.~~2. COMPREHENSIVE SIGN PACKAGE

Buildings or building complexes containing three or more uses **or separately leasable spaces,** shall be required to submit a Comprehensive Sign Package prior to the issuance of the first sign permit for the building complex. Such sign package shall be in conformance with the provisions of this Article, and shall be designed and constructed to meet all applicable codes. The sign package shall contain provisions that establish ~~uniform~~ color, size, location, types of signs, ~~and~~ lighting ~~requirements~~ and other requirements in order for safety and aesthetics to be considered.

Notwithstanding any of the foregoing requirements applicable to buildings or complexes containing three or more uses or separately leasable spaces, uses on a commercial zoned district located on a site greater than 3 acres may submit for consideration by the Planning Commission a Comprehensive Sign Package in order to: a) facilitate high quality innovative design through technologically advanced sign solutions and b) eliminate blight and improve aesthetics through a net reduction of legally permitted on-site signage. Digital display signs may be considered as part of such Comprehensive Sign Package subject to the following:

- **Minimum site area: 3 acres comprised of either a single parcel or the aggregate of multiple contiguous parcels, under single or multiple ownerships.**

- **Site location: Within 150 ft. (max) from I-5, SR76 or SR78.**
- **Sign standards: Development standards shall be as set forth in Article 33A, or as modified by the Planning Commission at the time of Comprehensive Sign Package program approval. Any deviations to applicable sign regulations must enhance the character of the development by addressing sign location, number, area, height, illumination and sign separation from less intense uses.**
- **Number of signs: One wall or freestanding digital display sign. (This sign shall be in lieu of an otherwise allowed freestanding sign)**
- **Hours of operation: 6:30a.m.-11:30p.m.**
- **Separation from residential uses: 500ft. (min)**
- **Light intensity: No changes in light intensity (other than between day and night) shall be permitted.**
- **Message dwell time: 8 seconds (min)**
- **Message transition time: Instant message transition or a fading transition of no more than 1 second. At no time shall a digital display go blank during a transition.**
- **Brightness control: A sensor or other device shall automatically adjust the brightness of the digital display based on ambient lighting changes, in compliance with applicable State and local lighting standards.**

Digital signs are prohibited within the Mission Historic District.

~~3306.~~ B. APPROVING AUTHORITY. The following persons, departments, advisory or legislative bodies are entitled to approve or deny sign requests as follows:

~~3306.B.~~1. SIGN INSTALLATION PERMIT. The Building **Official** ~~Director~~ is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the **City Planner** ~~Planning Director~~ or the **Economic and Community Development** ~~Redevelopment~~ Director that said Sign Installation Permit Application complies with the provisions of this Article, and upon further documentation that the proposed sign installation complies with all applicable health and safety codes.

~~3306.B.~~2. COMPREHENSIVE SIGN PACKAGE. **Unless otherwise indicated,** the **City Planner** ~~Planning Director~~ or the **Economic and Community Development** ~~Redevelopment~~

Director shall **consider and** either approve or deny Comprehensive Sign Packages according to the provisions of this Article. The decision of the **City Planner** ~~Planning Director~~ or the **Economic and Community Development** ~~Redevelopment~~ Director is appealable to the Planning Commission, Community Development Commission, Harbor Board or City Council.

The City Planner or Economic and Community Development Director may refer Comprehensive Sign Packages to the Planning Commission or Community Development Commission respectively if he/she finds that the proposal may conflict with the purposes and criteria set forth in this Article.

~~3306.~~C. PUBLIC HEARING PROCESS

Any application to consider an appeal of a Comprehensive Sign Package shall be heard by the Planning Commission at a public hearing in accordance with the provisions of Article 46 of the Zoning Ordinance. A completed application form with the appropriate filing fees shall be filed with the ~~Planning~~ **Development Services Department** or **Community and Economic Development** ~~Redevelopment~~ Department. A decision by the Planning Commission is appealable to the City Council or Harbor Board pursuant to the provisions of Article 46 of the Zoning Ordinance, except the decisions of the Community Development Commission are final when acting as the Planning Commission.

~~3306.~~D. ISSUANCE OR DENIAL

Regardless of sign permit type, the reviewing authority shall, within forty-five (45) days of the filing of a complete permit application shall approve and issue the permit if the standards and requirements of this Article and all other applicable laws, rules, regulations and policies have been met, unless the time is mutually extended by the parties. If the requirements of the permit have not been met, the application will be denied in writing stating all reasons for denial. Such denial is also subject to the 45 day limit.

~~The Planning Director, or whomever is charged with permitting a particular signage, shall, within forty-five (45) days of the filing of a complete permit application, approve and issue the permit if the standards and requirements of this Article have been met, unless the time is mutually extended by the parties. Otherwise, the permit shall be denied.~~

Judicial review of a decision denying the permit shall be ~~made by a petition for a writ of administrative mandamus~~

~~filed~~ in Northern San Diego County Superior Court, **pursuant to the California Code of Civil procedure, or as otherwise authorized by law.** ~~If prompt judicial review of the decision denying the application is desired by the applicant, the applicant shall also file an application for a preemptory writ in the first instance, which shall be heard and decided within sixty (60) days from the date of the filing and service of the application.~~

E. COMPREHENSIVE SIGN PACKAGE FINDINGS

Pursuant to Section 3307A.2, the Planning Commission, City Planner or Economic and Community Development Director, as the case may be, may approve a Comprehensive Sign Package if on the basis of the application, plans, materials, and testimony submitted, finds:

1.The proposed sign(s) conform with the criteria set forth in this Article.

2.The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;

3. The proposed sign(s) will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicular or pedestrian traffic; and

4. The proposed sign(s) will not have an adverse visual impact on adjoining land uses.

3308~~7~~ NON-CONFORMING SIGNS

~~3307.~~**A. INTENT**

It is the intent of this Section to encourage and promote compliance of existing signs with the provisions of this Article and the eventual elimination of non-conforming signs. The achievement of full compliance of all signs with the provisions of this Article is as important as is the prohibition of new signs that would violate these regulations. If the sign is one defined by the Outdoor Advertising Act, section 5499.1, it shall be abated following notice and hearing procedures required by Section 5499.1 et seq. of the Business and Professions Code.

~~3307.~~B. LEGAL NON-CONFORMING SIGNS

Every on-site sign becoming non-conforming as a result of this Article shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493, 5495, and 5497.

An existing sign which was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign

permit but becomes non-conforming by adoption of this Article or other regulation will be allowed within the amortization period unless any of the following occurs:

~~3307.B.~~1. The sign structure is altered which makes the sign less in compliance with the requirement of this code than it was before the alteration; or

~~3307.B.~~2. The sign structure is relocated to a different location on the site or lot, making it less in compliance with the requirement of this code.

~~3307.B.~~3. The sign or sign structure is replaced (excluding change of copy). On the happening of any one of 1, 2 or 3 above, the sign shall be immediately brought into compliance with this code with a new permit secured, or shall be removed within 48 hours.

~~3307.~~C. SIGN REMOVAL

Every legal off-site sign becoming non-conforming as a result of this ordinance may be removed in accordance with the provisions of California Business & Professions Code sections 5412, 5412.1, 5412.2, and 5412.3. All illegal signs listed below shall be forthwith removed by the owner or by the City with 48 hours notice to the owner.

~~3307.C.~~1. A sign which was legal but nonconforming that becomes illegal and nonconforming by the occurrence of B1, B2, or B3 above.

~~3307.C.~~2. Any illegal sign.

~~3307.C.~~3. A non-conforming sign which has exceeded its authorized amortization period.

~~3307.C.~~4. An abandoned sign.

~~3307.C.~~5. A display existing without permission of owner or lessee.

~~3307.~~D. AMORTIZATION PERIOD

All legal non-conforming signs shall have a useful life and legal life of fifteen years, calculated from the date of adoption of the regulation making it nonconforming or upon the date of a court order deeming the regulation unconstitutional. Upon expiration of the sign amortization period, the sign shall be removed by the owner without compensation. Upon determination that a sign is nonconforming, the Enforcement Officer will issue written notice to the owner or user of the sign or to the owner of the property on which the nonconforming sign is

located, requiring conformance or removal therefor if unable to conform. If, after a reasonably diligent attempt to serve written notice, the owner and user have not received notice, then the City must either post the notice or publish the notice in a local newspaper which is customarily used for notice by the City. If the sign remains thereafter, the City may proceed with abatement procedures or other legal methods, with such costs of removal by the City to be charged against the owner. Nothing in this Article shall preclude any owner or user from voluntarily conforming a nonconforming sign at any time prior to the expiration of the amortization period.

~~3307.E EMINENT DOMAIN~~

~~Any signage that becomes subject to eminent domain proceedings shall be considered eligible for relocation assistance only, as provided in Section 72620 et seq. of the Government Code.~~

3309~~8~~ ENFORCEMENT

Any violations of this Article shall be subject to the enforcement remedies and penalties provided by this Article, the Oceanside Zoning Ordinance, the Oceanside City Code and by **S**~~s~~tate and **F**~~f~~ederal law. Each sign and each day is subject to separate misdemeanor violations when applying penalties. It shall be a misdemeanor to install, erect, fail to remove, or maintain any sign without a permit if a permit is required by this Article. It shall also be a violation to install, erect, fail to remove, or maintain any sign in violation of this Article. Enforcement may be pursued by criminal penalties of up to 6 months in jail and or a fine of up to $1,000, nuisance abatement, injunction, or other remedies available by law. All such penalties may be cumulative.

~~3308.A~~. CRIMINAL ENFORCEMENT

It is illegal to **install, mount, display,** use, occupy or maintain signs in violation of this Article. Any violation or failure to comply with the provisions of this Article **constitutes a misdemeanor, a separate violation for each day each sign is in violation**. ~~shall render a person guilty of a misdemeanor each day the violations exist, and any s~~**S**such ~~person shall be~~ **misdemeanor violations may be punished** in accordance with the provisions of Chapter 1 of the Code of the City of Oceanside or other remedies provided by law.

~~3308.B~~. CIVIL AND **ADMINISTRATIVE REMEDIES**

Violations of this Article may be remedied by civil and/or administrative procedures, as authorized by City or State law.

~~In addition to the criminal penalties prescribed in~~

~~Section 3308.A., other remedies, as prescribed in Oceanside Code Section 17.14 may be imposed for violations of this Article~~.

~~3308.~~C. ABATEMENT

~~3308.C.~~1. **NUISANCE ABATEMENT.**
Signs not in compliance with this Article **are hereby** ~~may be~~ declared to be a public nuisance, ~~and~~ **which may** be abated in accordance with the requirements of Oceanside City Code Chapter 17, Article I, **or by methods authorized by State law.**

~~3308.C.~~2. SUMMARY ABATEMENT.
Signs located in the public right-of-way which are not in compliance with this Article may be declared to be a public nuisance subject to summary abatement by the Enforcement Officer. In addition to any criminal or civil penalties prescribed by law, the actual costs of abatement of such signs shall become a debt owed to the City by the person responsible for or causing placement of the sign. Said debt shall be subject to cost recovery ~~in~~.

~~3308.C.~~3. SIGN MAINTENANCE.
~~All signs shall be kept in good repair at all times or shall be subject to the following:~~

~~3308.C.3.a~~ ~~If the sign is not under repair or repaired within 30 days after notification period has elapsed, the owner and/or user of the sign will be guilty of an infraction, and the enforcement officer will issue a citation.~~ **Maintenance of a sign in violation of this Article is an infraction. If notice of violation is given, and there is no cure of the violation within 30 calendar days, the Enforcement Officer may issue a citation.** Fines assessed will be in accordance with the Oceanside Municipal Code.

~~3308.C.3.b~~ If **a violative** ~~the~~ sign is not repaired within 30 days of the first violation, a second violation will be issued to the owner and/or user of the sign and will continue to be assessed each day thereafter until the sign is repaired.

~~3308.C.~~4. HAZARDOUS OR UNSAFE SIGNS.
The Enforcement Officer, upon identification of a hazardous or unsafe sign, shall give written notice to the property owner and/or party responsible for the sign of the condition or conditions which render the sign hazardous or unsafe, and an order to abate the public nuisance caused by the existence of the

hazardous or unsafe sign. The Enforcement Officer will determine an appropriate time period for remedy. ~~abatement of the public nuisance based on the degree of hazard.~~ At the expiration of the ~~time~~ **remedy** period, if the hazard has not been voluntarily abated, the Enforcement Officer shall proceed to abate the nuisance in accordance with the procedures contained in Oceanside City Code Chapter 17, Article I. **In cases where a sign, by virtue of its physical condition, constitutes an immediate and serious threat to the public safety, the Enforcement Officer may summarily remove, correct, or abate the dangerous condition; in such case, the cost of immediate remedy may be charged to the sign owner or other person responsible for the dangerous condition.**

~~3308.~~D. RIGHT OF ENTRY

When it is necessary to make an inspection to enforce the provisions of this Article, or when the Enforcement Officer has reasonable cause to believe that there exists any sign or a condition which makes such sign unsafe, abandoned, illegal or nonconforming, the Enforcement Officer may petition the Court to enter the lot, building, or premises on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed by this Article.

~~3308~~.E. NOTICE

For purposes of this Section, written notification deposited in the U.S. Mail, or personal delivery, or posting, or publication in a local newspaper shall constitute proper notice.

33~~09~~10 SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a 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 passed this ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Article 33B Signs

Sections:

3311 Title, Capacity and Scope
3312 Intent as to Public Forum
3313 Definitions
3314 General Prohibition
3315 Signs Exempt from Permit Requirements
3316 Kiosk Program Directional Signage
3317 Temporary Inanimate Signs
3318 Permanent Private party Signs on City Property
3019 Signs within the Small Craft Harbor Area

3311 Title, Capacity and Scope

A. Title. This Article may be referred to as the City Property Sign Ordinance.

B. Capacity. In adopting this Article the City Council acts in its proprietary capacity as to City property.

C. Scope. This Article states City policies and rules for the display of signs on City property.

3312 Intent as to Public Forum

The City declares its intent that all public property shall not function as a designated public forum for sign display, unless some specific portion of public property is designated herein as a public forum of one particular type; in such case the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.

3313 Definitions

For purposes of interpreting and enforcing this Article, the following words have the special definitions given. For words not defined in this chapter, definitions from Article 33A Signs, Section 3303 may be used.

ADMINISTRATOR
Administrator means the person authorized by the City Council to enforce and interpret this chapter; in the absence of a contrary authorization by the City Council, the Administrator shall be the City Manager or his/her designee.

CITY
City means for purposes of this Article the City of Oceanside, California and any of its associated entities including, but

not limited to, the Oceanside Redevelopment Agency.

CITY PROPERTY
City property means land or other property in which the City is the owner or has the present right of possession and control, as well as areas which are either designated as public rights-of-way or which have long been used as such.

PERMIT
Permit means a written authorization from the City for a third party display of a sign on public property.

PERSONALLY ATTENDED
Personally attended means that a person is physically present within five feet of the sign at all times.

SIGN ORDINANCE
Sign Ordinance means Article 33A and 33B as it may be amended from time to time.

TRADITIONAL PUBLIC FORUM
Traditional public forum means the surfaces of City-owned streets, surfaces of City-owned parks, surfaces of City-owned plazas, surfaces of sidewalks which are connected to the City's main pedestrian circulation system and the exterior surface of pedestrian areas immediately surrounding City Hall.

3314 General Prohibition

Unless a specified sign type is exempt from the permit requirement, private persons may display signs on public property only by permit. Any permit application which is denied may be appealed in the same manner as the appeal process described in the Sign Ordinance.

3315 Signs Exempt from Permit Requirement.

A. Government signs. Signs posted by the City on City Property to express its own message(s) to the public; traffic control and traffic directional signs erected by the City or other governmental entity; official notices required or authorized by law or court order; signs placed in furtherance of the City's governmental functions.

B. Picketing. The personal carrying of signs "picketing," displaying protected noncommercial speech messages, is allowed in Traditional Public Forum Areas, except in the roadway when it is open to normal vehicular traffic; picketers may not interfere with public ingress or egress or free use of sidewalks or public right-of-way. For safety reasons, picketing is allowed from sunrise until 10 p.m. In

order to serve the City's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within the clear corner area.

~~3303.E.3.b~~ 3316 Kiosk Program ~~Directional~~ Signage

This Section provides for directional, **event and community** signage within the public right-of-way within an approved kiosk under the City's Kiosk program. It is intended to permit government owned off-site directional signs necessary to serve the community for purposes of order, direction and safety. In order to avoid adverse effects on the aesthetics of the City, to minimize traffic safety issues and to prevent a proliferation of such signs, regulations for the location, standards, number of such signs, and their approval and removal are included in this Section.

~~33.E.3.b(1) Sign Standards and Structural Requirements~~ All kiosk displays shall substantially comply with ~~the~~ **applicable** sign design standards, program guidelines, and structural requirements. The ~~Enforcement Officer~~ **City Planner or Economic and Community Development Director and Building Official** shall review all such displays to ensure their compliance with those standards and requirements.

~~3303.E.3b(2)~~**A.**Kiosk Program Regulations and Standards for Commercial and Non-Commercial Signs.

~~3303.E.b.(2)(a)~~**Design and Location: The Development Services Director or Economic and Community Development Director** ~~Building Director or its agent~~ shall ~~establish kiosk displays and~~ approve the ~~location and construction of~~ **design of** ~~such~~ **kiosk** displays in various strategic locations throughout the City. Such design and location discretion shall only be made with due consideration to aesthetic appearance, cost, readability, traffic and public safety concerns **and may include pedestrian oriented digital/electronic message displays.**

~~3303.E.3.b(2)c One~~ kiosk designs utilized throughout the City shall be on file in the Building Division. The height and design of all kiosk displays shall be subject to approval of the City ~~in accordance with the kiosk program guidelines.~~

~~3303.E.3.b(2)d~~ Kiosks shall be in the public right-of-way.

~~3303.E.b.(2)e~~ Each kiosk shall have "Oceanside" and the City

logo displayed in a prominent location on the sign.

~~3303.E.3.b(2)f~~ No more than eight kiosk sign panels for any person or entity is allowed within the City. A kiosk sign display shall not be duplicated on an individual kiosk. A double-sided message display shall be considered one kiosk sign display for the purposes of this Article.

~~3303.E.3b.(2)g~~ There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved.

Number of Kiosk Display Signs: An applicant may apply for signage to be placed within one or more kiosk displays ~~designated by the Building Director~~. All applicants shall be subject to the rules, regulations and requirements placed on such signage consistent with the provisions of this Article ~~and the City's kiosk program guidelines~~.

~~3303.E.3.b(2)h~~ **Sign Removal:** Any sign placed contrary to the provisions of this ordinance may be removed by the **Code** Enforcement Officer without prior notice.

Enforcement: Non-compliance or kiosks improperly maintained shall be subject to the enforcement provisions provided in this Article and/or the Oceanside City Code.

~~3303.D.2~~ **3317 Temporary Inanimate Signs in the Public Right-of-way** ~~PRIVATE PLACEMENT ON RIGHT-OF-WAY~~

Temporary signs displaying any type of variety of constitutionally protected noncommercial speech may be displayed by private persons up to thirty days prior and five days after any official local, state, regional, or national authorized election. Such sign display by private persons is subject to a permit and the following rules:

~~3303.d.2.b~~ Sign Area. The maximum allowable sign area is 6 square feet per sign **(measured on both sides.)**

~~3303.D.2.c~~ Height. Maximum height of freestanding signs is 5 feet.

~~3303.D.2.d~~ Posting On Structures. All signage within the public right-of-way shall be self-supporting and freestanding. No temporary sign shall be posted on any streetlight, utility pole, post, pole, or structure supporting a traffic control sign or signal, fire hydrant, or similar structures in the public right-of-way.

~~3303.D.2.e~~ Safety of Placement. Temporary signs posted in the public right-of-way shall meet the following criteria:

~~3303.d.2.e(1)~~ When located in the Corner Clear Zone, the sign shall not exceed 30 inches in height.

~~3303.d.2.e(2)~~ Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs, or signals, or otherwise represent a hazard to vehicular or pedestrian traffic.

~~3303.d.2.e(3)~~ Signs shall not impede a pedestrian's free use of the sidewalk.

~~3303.d.2.e(4)~~ Signs shall be securely affixed to the property on which they are placed.

~~3303.d.2.e(5)~~ Signs shall not be placed in the center of public roadway medians.

Permit Application Requirements. Prior to posting any temporary sign on the right-of-way, the private party responsible for the posting and maintenance of such signs, hereinafter referred to as "responsible party," shall provide the following information to the Enforcement Officer:

~~3303.D.2.f(1)~~ Application - An application shall be filed with the Code Enforcement Office ~~Building Division~~ by the "responsible party". This application shall be in a form and content as required by the Enforcement Officer. This application shall minimally include the following information:

~~3303.D.2.f(1)a~~ Identification Information - A description of the signs sufficient to allow the Enforcement Officer to identify the responsible party for the purposes of enforcement.

~~3303.D.2.f(1)b~~ Name, address, and telephone number of the responsible party.

~~3303.D.2.f(2)~~ ~~Deposit - A $250 deposit per application is required. The deposit is refundable. Costa of enforcement, if required may be deducted from the deposit prior to refund.~~

~~3303.D.2.f(3)~~No permit nor deposit is required for the posting of temporary signs on public property by the City of Oceanside.

~~3303.D.2.g~~ Sign Removal. Temporary signs shall be removed from the public right-of-way not later than the removal date indicated in the application.

~~3303.D.2.h~~ Cost Recovery. Whenever the Enforcement Officer causes the removal of a temporary sign, the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager is authorized to

take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.

3318 Permanent private Party Signs on City Property

Notwithstanding the prohibited sign types listed in the sign ordinance, the City Council may approve proposals for private parties to place permanent signs on city property or city right of way, upon finding that the proposed sign is in the best interests of the City through the promotion of City sponsored events and the dissemination of public safety and traffic messages. The City may impose conditions on the approval through the terms of the lease, contract or license. Before approving a private party sign under this section, the City shall conduct a request for proposals open to interested parties. Placement of one electronic message billboard structure with two digital display "faces" or panels on city property or right of way may only be permitted as part of a legally enforceable agreement to replace two existing billboard structures, each with two billboard display faces, within the City of Oceanside. The area of a digital billboard display "face" or panel shall not exceed the smallest of the static billboard panels it is replacing. The City shall comply with the California Environmental Quality Act before approval of any lease, contract or license.

3319 ~~3303.F~~ E. Signs within the Small Craft Harbor ~~IGNS WITHIN THE SMALL CRAFT HARBOR AREA~~

In addition to the sign regulations elsewhere in this Article, the following regulations shall also apply in the Oceanside Small Craft Harbor:

~~3303.F.1 GOVERNMENT SIGNAGE/ SURFACE STREETS APPROACHING THE HARBOR.~~

~~Surface street approach signs should be of a distinctive character for designation of the Harbor location. These signs shall be visible day and night and located at key points within the public right-of-way of streets leading to the Harbor, with all turns clearly indicated in advance.~~

1. FREESTANDING SIGNS
~~3303.F.2~~a. POLE OR GROUND SIGNS.

~~3303.F.2.a~~ Major. A major pole or a ground sign shall be allowed at the two major entryways to the Harbor. The sign shall be designed to denote "Oceanside Harbor" with the appropriate directional signage. Signage of uses within the harbor area may be displayed on separate lighted panels. Non-commercial messages may also be displayed.

~~3303.F.2.b~~ Minor. Minor pole or ground signs shall be allowed at major intersections within the harbor. These signs shall be a variation of the sign design proposed for the major entryways to the Harbor. **Such signs shall use** ~~The use of~~ a modular replaceable-unit or a translucent panel system with internal lighting, and a highly visible typeface~~, is recommended for these locations~~. Non-commercial messages may also be displayed.

~~3303.F.2.c Typeface. A limited number of typefaces for major and minor pole signs are available for the various panels. Proprietary or specialized typefaces which have been consistently utilized by a "chain" and are compatible (i.e., legibility, scale, color) with the others in the sign, may also be displayed.~~

~~3303.F.2.d~~ Maximum height of a minor pole or ground sign is 14 feet.

~~3303.F.3 SITE SIGNS.~~

~~Site signs shall display information in a coordination of design in effort to create a more cohesive and pleasing atmosphere. Site signs shall fall within the categories of monument signs, wall signs and incidental signs.~~

~~3303.F.3.a~~ b. Monument Signs

~~3303.F.3.a(1)~~ Location. Signs shall be located at the outer face of leasehold or near the street front property line or vehicular entrance to leasehold. Signs must be located and oriented to avoid interference with vehicle driver's safe line of sight.

~~3303.F.3.a(2)~~ Maximum Quantity. One (1) per ~~business entity~~ **separate establishment** at street frontage or entrance driveway.

~~3303.F.3.a(3)~~ Size. Maximum panel size is six (6) square feet. Maximum height is six (6) feet.

~~3303.F.3.a(4)~~ Materials. Limited to wood or acceptable metals or plastics.

~~3303.F.3.b~~ **2.** Wall Signs.

~~3303.F.3.b(1)~~ Location. Signs shall be located on building façade or on-site adjacent to entry of building. Wall signs shall not be placed on roofs or windows.

~~3303.F.3.b(2)~~ Maximum Quantity. One (1) per ~~independent business entity~~ **separate establishment** on each street frontage and/or water frontage façade.

~~3303.F.3.b(3)~~ Size. Size and quantity must be compatible with

scale of structure, but in no case can it exceed 12 square feet of panel size in one elevation (building face) or 24 square feet on all elevations (building face).

~~3303.F.3.b(4)~~ Materials. Limited to wood or acceptable metals or plastics.

~~3303.F.~~3.~~e~~ ~~Incidental~~ **Courtesy** Signs.

~~3303.F.3.e(1)~~ Location. Signs may be located anywhere within a leased parcel.

~~3303.F.3.e(2)~~ Maximum Quantity. Number of signs per leased parcel shall be as needed for directional and informational signage.

~~3303.F.3.e(3)~~ Size. Maximum of four (4) square feet for each panel size and a total of 24 square feet for all ~~incidental~~ **courtesy** signage on a lease parcel.

~~3303.F.3.e(4)~~ Materials. Limited to wood or acceptable metals or plastics.

~~3303.F.~~4 GENERAL DESIGN STANDARDS FOR ALL SITE SIGNS.
All site signs shall conform to the following design standards:

~~3303.F.4.a~~ Extensive use of wood in both sign panel and support structure ~~is desired~~.

~~3303.F.4.b A maximum of two typefaces acceptable to the Harbor District shall be used on all signs within a lease parcel.~~

~~3303.F.4.c~~ Display light sources should be screened from autos, boats and pedestrians. No internal lighting is permitted.

~~3303.F.4.d~~ Temporary display banners and flags require approval by the Harbor Director as to size and location.

~~3303.F.4.e~~ Boat sale displays should have consistent sign sizes and typography within a single parcel, and "false sail" signs in sailboat rigging should be in conformance with these regulations. (See Boat Sign Ordinance 72-5.)

~~3303.F.4.f~~ No more than 20 percent of the total window area for any one side shall be used for permanent or temporary sign display.

~~3303.F.4.g Temporary signs affixed to trailers or boat cradles are discouraged.~~

~~3303.F.4.h~~ Where multiple uses **or establishments** are located within the same parcel, **all** signs **on that parcel will use consistent design as to materials, proportions and lighting.**

should be of similar materials and proportions, consistently ~~located and lighted, and of not more than two typeface styles (except for compatible regionally or nationally recognized "chain" logo/type faces").~~

~~3303.F.4.i~~ **Lighting that creates a confusing background for harbor night entry is prohibited.**

~~No lighted sign will be allowed that creates a confusing background for Harbor night entry.~~

~~3303.F.~~5**. PERMITTING** ~~APPROVAL REQUIREMENTS.~~

Other than courtesy signs which use no electricity or special lighting, and temporary signs exempt from permitting, all private party signs in the Harbor District may be installed or displayed only pursuant to a sign permit. Any application for such a permit will be granted when the proposed sign(s) complies with all applicable laws, rules, and policies.

~~Upon application, all signage shall receive a permit if the signage is in compliance with all provisions of this Article for general signage and Harbor District signage. All signs (except for incidental signs without electricity or temporary signs) must have a permit from the City of Oceanside Building Department prior to installation.~~

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING ARTICLE 33 OF THE CITY ZONING ORDINANCE MODIFYING THE CITY'S SIGN REGULATIONS

WHEREAS, the City Council has determined that provisions related to the 1986 and 1992 Zoning Ordinance regulations should be modified in order to: 1) ensure regulation of signs in a constitutional manner, in accordance with case law that has developed since the approval of the currently applicable ordinance; 2) distinguish regulatory from proprietary sign standards and update/clarify existing ordinance text; and 3) establish parameters for emerging sign technologies; and

WHEREAS, on April 18, 2012, the City Council of the City of Oceanside held a duly-advertised public hearing to consider Zone Amendment ZA11-00004, and the recommendation of the Planning Commission thereon, and heard and considered written and oral testimony regarding the proposed Zone Amendment; and

WHEREAS, based upon such evidence, testimony and staff reports, this Council finds that Zone Amendment ZA11-00004 conforms to the General Plan and Local Coastal Program of the City of Oceanside.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Zone Amendment Application ZA11-00004 establishing the text of the 1986 Zoning Ordinance for properties within the Coastal Zone and the 1992 Zoning Ordinance for properties outside the Coastal Zone as specified in Exhibits "A" (Article 33A) and "B" (Article 33B), is hereby adopted, and the City Planner is hereby directed to amend the Zoning Ordinance text as specified by this ordinance.

SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a 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 passed and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any

one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

SECTION 4. This ordinance shall take effect and shall be in force on properties outside the Coastal Zone on the thirtieth (30th) day from and after its final passage, and on Coastal Zone properties upon Coastal Commission certification of Local Coastal Plan Amendment 11-00002. Upon the effectiveness of this ordinance, the current Article 33 is hereby repealed

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the ___ day of _____, 2012 and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California, held on the ____ day of _____, 2012, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

EXHIBIT A

Article 33A Signs

Sections:

3301 Title, Purposes and Intent
3302 Basic Principles
3303 Definitions
3304 Signs Allowable Subject to Sign Permit
3305 Prohibited Signs
3306 General Sign Standards
3307 Procedures for Sign Approval
3308 Non-Conforming Signs
3309 Enforcement
3310 Severability

3301 Title, Purposes and Intent

A. Title

This Article may be known as the Sign Ordinance of the City of Oceanside, California.

B. Purposes

This Article establishes a comprehensive system for the regulations of signs, as defined herein, within the defined regulatory scope of this Article, in the City of Oceanside, California.

C. Intent

By adopting this Article, the City intends to balance several competing interests, including: (1) to regulate signs in a constitutional manner, with rules that do not regulate protected noncommercial speech by content or favor commercial speech over noncommercial speech; (2) to provide adequate opportunity for persons to express themselves by displaying an image or message on a sign; (3) to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing commercial/industrial districts; (4) to minimize distraction, obstruction or other impediments to traffic circulation which would be caused by excessive or inappropriately placed signage; (5) to safeguard and preserve the health, property, and public welfare of Oceanside residents by regulating the physical design, location, and maintenance of signs; and (6)to provide a method for abatement of illegal and abandoned signs.

3302 Basic Principles

A. Authority

This Article is adopted pursuant to the California Constitution Article XI, Section 7; the City's Charter; and general and police powers, California Government Code Sections 65000 *et seq.*, 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 *et seq.*, 5230, and 5490 *et seq.*, 13530 *et seq.*, 13540, Penal Code 556 *et seq.*, and other applicable State laws.

B. Regulatory Scope

This Article regulates signs, as defined herein, which are located on or displayed from, private property located within corporate limits of the City, as well as signs located on public property owned by public agencies other than the City, its Redevelopment Agency and other affiliate entities, over which the City has land use regulatory authority. Signs on City property, as defined herein, are regulated by Article 33 B.

C. Owner's Consent

No sign may be displayed on private property without the consent of the property owner or person holding the present right of possession and control of the property.

D. Noncommercial Messages

There is no location criterion for noncommercial messages that are protected by the First Amendment to the U.S. Constitution and/or the corollary provisions of the California Constitution.

E. Message Substitution

Subject to the land owner's consent, any constitutionally protected noncommercial message may be substituted for any duly permitted or allowed commercial message, or any duly permitted or allowed noncommercial message, provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting.

F. Compliance Required

Signs, as defined herein, may be displayed within the

City only in compliance with the rules stated in this Article and all other applicable laws, rules and regulations and policies. When a permit is required, an application will be approved if it conforms to all applicable laws, rules regulations and policies. If the application does not comply, then it will be denied in a written decision which specifies all points of noncompliance. The decision on the sign permit application shall be rendered within 45 calendar days of when the application is complete and all applicable fees are paid. Applications will be processed according to the procedures stated in Section 3307 of this Article.

G. Permit Generally Required

Unless exempted from the sign permit requirement, all signs shall be installed or displayed only pursuant to a sign permit issued by the City.

H. Discretionary Approvals

Whenever a sign or a proposed sign is subject to any discretionary review, permit, or approval, such discretion may be exercised only as to the compatibility of the sign within its location, and other structural, architectural and locational factors. Discretion may not be exercised as to the artistic merit or graphic design elements of the proposed sign or the message itself so long as such message is not excluded from First Amendment (U.S. Constitution) protection under relevant court decisions.

I. Administrator Interpretations

All interpretations of this Article shall be exercised in light of message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Building Code, as adopted by the City of Oceanside, then the Planning Commission or City Planner, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Article.

J. Compatibility factors

In determining compatibility of a sign with its surrounding environment, the following criteria may be considered: (1)Style or character of existing

improvements upon the site and properties adjacent to the site; (2)Visual elements such as construction materials, physical design details, and the number and spacing of signs in the area; (3)The sign's height, size and location, in relation to its proposed location and use; (5)Potential effect of the proposed sign on driver and pedestrian safety; (6)Potential blocking of view (whole or partial) of a structure or façade or public view of natural, historical or architectural significance; (7)Potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks; (8) Potential negative impact on visual quality of public spaces, including but not limited to recreation facilities, public squares, plazas, courtyards and the like; (9) Whether the sign structure will impose an aesthetically foreign or inharmonious element into the existing skyline or local viewscape.

K. Billboard Policy

New billboards, as defined herein, are prohibited. It is a fundamental land use policy of the City to completely prohibit the construction, erection or use of any and all billboards, other than those which legally exist in the City, for which a valid permit has been issued and has not expired, as of the date on which this chapter, or when a prior version of this chapter containing a provision to the same effect, was adopted. In adopting this chapter, the City Council affirmatively declares that it would have adopted this policy even if it were the only provision in this chapter. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This prohibition does not apply to agreements to relocate presently existing legal billboards as encouraged by State law including, but not limited to, Business and Professions Code Section 5412, as that section may be amended from time to time.

3303 Definitions

For purposes of this Article, the following definitions shall apply:

ABANDONED SIGNS
A sign is deemed abandoned when for a period of 90 days or more, any of the following conditions are met: 1)there is no sign copy appearing on the sign, or

2)where the establishment with which the sign is associated has ceased operation, or 3)where it is clear that the sign has been forsaken or deserted. Any sign which is a conforming sign not in use, but which could be re-used in conjunction with the ownership or operation of a new business on a property, shall not fall under the definition of abandoned.

ALTERATION
Any change of size, shape, illumination, position, location, construction or supporting structure of an existing sign.

ANIMATED SIGN
A sign with action or motion, rotating, flashing or color changes, not including sign elements that are actuated by wind or forced or accelerated air or gas, such as flags, banners, streamers, whirligigs or other similar devices. Digital display (Electronic Message)signs that expose messages for 8 seconds or more and do not appear to be in motion nor change in intensity (other than between day and night) are not within this definition.

BANNER
Any sign of lightweight fabric or similar material that is attached to a building or other structure, and used for advertising and/or attention getting. Flags are not within this definition.

BILLBOARD
A permanent sign structure in a fixed location which meets any one or more of the following criteria: 1)It is used for the display of off-site commercial messages; 2)it is used for general advertising; 3)the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operators(s) of the sign; 4)the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

BUILDING COMPLEX
A building or group of buildings on one or more lots or building sites containing three or more separate businesses or industrial uses and sharing common parking facilities.

BUILDING FACE
The outermost surface of any exterior wall of a building, but not including cornices, bay windows, balconies, or other architectural features which extend beyond the general outermost surface of such exterior wall.

CANOPY SIGN
Any sign that is part of a projecting awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window or outdoor service area.

CHANGEABLE COPY SIGN
A sign on which it is possible to change the display copy by hand or with ordinary hand tools, or by electronic control.

CITY PROPERTY
Any parcel of land that is owned or controlled by the City of Oceanside, or any of its related entities, or that is within the public right-of-way. Land and facilities over which the City holds the present right of possession and control are within this definition.

COMMERCIAL MASCOT
A person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes "sign twirlers", "sign spinners", "sign clowns", "sign walkers", "human directional", and human "sandwich board" signs.

COMMERCIAL SPEECH
Any message which proposes a commercial transaction or primarily concerns the economic interests of the message sponsor and/or the viewing audience. Also known as "commercial message".

CONSTRUCTION SITE SIGN
A sign that is displayed on the site of a construction development project during the period of time of actual construction.

CORNER CLEAR ZONE
The area at a street corner inscribed by a line drawn between points established by measuring back 15 feet from the beginning of the curb radius along the curb line, or edge of pavement when there is no curb, and the face of the curb or edge of pavement.

COURTESY SIGN
A sign whose message provides functional information for the convenience of the public, such as hours of operation, open/closed, credit cards accepted, entrance and exit locations and restroom directions.

DIGITAL DISPLAY
"Digital display" means display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image.

DIRECTIONAL SIGN
A sign whose message provides directional information for drivers and pedestrians.

DORMER
A structure located above the height of a wall projecting from a sloping roof that is enclosed on both sides and top, and does not project above the top of the roof structure.

DWELLING UNIT
Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.

ELECTION PERIOD
That period of time which begins 30 days before a special, general, or primary election in which at least some registered voters in the City are eligible to vote, and ends 5 days after such election.

ELECTRONIC MESSAGE
A sign using electronic or digital technology, including but not limited to LED (light emitting diodes) or CCD (charge emitting diodes) or plasma, or their functional equivalent, which is capable of displaying, changing or changeable images.

ENFORCEMENT OFFICER
Any City official or agent designated by the City Manager as having authority to enforce the provisions of this Article.

ESTABLISHMENT
Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the

meaning of establishment, however, once a certificate of occupancy has been issued or once residency begins.

FEATHER BANNER
"Feather banner" or "feather banner sign" means a flexible pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

FLAG
A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol. Well known symbols that are commonly placed on flags, when placed on a solid surface, such as a wall or door, are not within this definition.

FREESTANDING SIGN
A sign which is self supported by mounting on the ground, in contrast to being attached to and/or supported by some other structure, such as a wall, door or window. Common types include pole signs, ground signs and monument signs.

GARAGE SALE SIGN
A sign whose message concerns short-term rummage, estate, boutique or garage sales of used or handmade common household items from a residential property.

GENERAL ADVERTISING
The enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or onsite advertising. Also known as "advertising for hire" or "general advertising for hire".

GROUND SIGN
Any freestanding sign greater than 6 feet in height and supported wholly by uprights, braces, or poles in or upon the ground and where any supports or angle irons are enclosed in a wood, plastic, metal or other decorative form, such that the angle irons or supports are not visible. The entire bottom of a ground sign is generally in contact or in close proximity to the ground.

HEIGHT
The height of any sign shall be the measurement of the distance from the top of the sign structure including all ornamentation and supports, to the existing grade beneath the sign.

HISTORIC MARKER
Signs or markers placed, approved or authorized by the City, State or Federal Government to be located on historic sites, points, or structures, or which describe directions to such from prominent visible locations within the public right-of-way.

ILLEGAL SIGN
A sign that was installed without proper City or other approvals and/or permits at the time it was initially installed, and which has not been legalized by later action. This definition also includes a sign that was erected in conformance with all applicable laws, rules, and regulations in effect at the time of installation, but which was subsequently altered so as to be out of compliance with applicable law, including the terms of permits which authorized construction. All signs described in Business and Professions Code Section 5499.1 and defined therein as an "illegal on-premises advertising display" are also within this definition.

ILLUMINATED SIGN
Any sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or brightening the sign area. This definition does not include signs lit only by ambient lighting.

INSTITUTIONAL
Uses whose primary function is furtherance of the public health, safety and welfare, generally, but not exclusively non-commercial in nature, including, but not limited to the following: hospitals and similar health care facilities, airports, cemeteries, recreational clubs and lodges, museums, theaters and similar cultural institutions, churches and similar religious institutions, detention facilities, fire and police stations, emergency shelters, marinas, parks and similar recreational facilities, schools and similar educational institutions, public utility facilities other than business offices.

INFLATABLE SIGNS AND ATTENTION GETTING DEVICES
Any advertising device which is filled or activated by air or gas and is located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purposes of signage, advertising, or attention-getting.

LEGAL NON-CONFORMING SIGN
A sign which was legal when first erected, with all necessary permits, but due to a change in the law it became nonconforming.

LOT
Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

LOT FRONTAGE
Those portions of a lot or building site which abut a public street. For purposes of determining frontage on corner lots and through lots, all sides of a lot abutting a public street (excluding an alley) shall be considered frontage.

MARQUEE
A permanent roofed structure attached to and supported by the building and projecting beyond the building face.

MONUMENT SIGN
A freestanding sign not exceeding 6 feet in height which is supported by a base which extends the entire length of the sign area and is an integral part of the design.

MULTI-FACED SIGN
A sign with two or more sign faces where any two sign faces are oriented such that they have an interior angle of greater than 45 degrees from each other.

NON-COMMERCIAL SPEECH
A constitutionally protected message that is not commercial in nature and which presents debate or commentary on topics of public interest and concern, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. The onsite/off-site signage distinction does not apply to non-commercial messages or signs displaying them.

NON-STRUCTURAL TRIM
The molding, battens, caps, nailing strips, lattice, cutouts, or letters and walkways which are attached to the sign structure.

ON-SITE COMMERCIAL SIGNAGE
A sign that advertises the commercial business, accommodation, services or activities provided on the

premises on which the sign is located, or expected to be provided in the near future. In the case of developments subject to a sign program, all establishments subject to the program are considered onsite whenever located within any area covered by the program. Similarly, all establishments within a shopping center are onsite as to any sign(s) also located within the shopping center. As to construction signs, "onsite" includes messages related to any and all parties involved in the specific construction project.

PERMANENT SIGN
A sign which is constructed of rigid material and is securely attached to a building, wall, fence, sign structure or into the ground, and is designed for and intended to be on display long term. All signs described in Business and Professions Code 5499.1(b) as "on-premises advertising displays" are within this definition.

PERMITTED SIGN
A sign which may be displayed only with a sign permit issued pursuant to this Article. Also called "signs subject to permit requirements".

POLE SIGN
A sign wholly supported by one or more poles and otherwise separated from the ground by air.

PROHIBITED SIGNS
A sign~~s~~ specified within this Article as prohibited, or prohibited by other bodies of law.

PROJECTING SIGN
A sign which projects more than 12 inches from the exterior face of a building wall or facade and which uses the building wall as its primary source of support.

PROJECT ENTRANCE SIGN
A permanent sign located near the entrance to a housing complex, mobile home park, condominium subdivision or other residential subdivision which was developed with a neighborhood name, or is operated under a community name.

PROTECTED
A message that is within the protection of the First Amendment of the United States constitution and/or corollary provisions of the California constitution, and has not been excluded from such protection by court decisions.

PUBLIC SERVICE SIGN
A non-commercial sign that provides general information that benefits the public, such as time and temperature.

ROOF SIGN
A sign erected upon or above a roof or a parapet of a building or structure, and not contained within a dormer.

SETBACK AREA
That area defined as the "required minimum yard" as specified by the Zoning Ordinance for each Zoning District, unless a specific setback is designated within this Article. Also called "required setback".

SIGN
The public display of a visual image, which is intended to be communicative, and which advertises, informs, projects, displays, or identifies persons, businesses, commodities, services, ideas or information, when such image is visible from any portion of the public right-of-way or from any exterior place which is open to the public. This definition includes, but is not limited to all writing, trademarks, graphic design elements, illustrations and lighting primarily directed at facilitating communication, as well as all supporting structures. Notwithstanding the generality of the foregoing, the following are not within the definition of sign:

1. Such devices not exceeding one square foot in area and bearing only property numbers, post box number, names of occupants, or other similar identification on a site.

2. Flags as defined in Section 3303 of this Article.

3. Legal notices, identification, informational or directional/traffic controlling devices erected or required by government agencies.

4. Decorative or architectural features of buildings, (not including lettering or trademarks or moving parts) which do not perform a communicative function (examples include color stripes around an office building or retail store).

5. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for no more than 45 calendar days per year (cumulative, per dwelling unit) and which do not

include commercial messages.

6. Government traffic controlling devices are not considered signs for purposes of this Article due to their distinct purpose.

7. Aerial banners towed behind aircraft.

8. Automated teller Machines (ATMs, when not used for general advertising).

9. Cornerstones and foundation stones.

10. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter.

11. Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased.

12. Historical monuments, plaques and tablets.

13. Inflatable gymnasiums associated with legal residential uses - inflatable, temporary, moveable gymnasium devices commonly used for children's birthday parties, and similar devices (also called "party jumps" or "bounce houses"), including balloons.

14. Interior graphics - visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof.

15. California State Lottery signs, approved by the Lottery Commission for display by Lottery Game Retailers, in accordance with the California Government Code.

16. Manufacturer's marks - marks on tangible products, which identify the maker, seller, provider o product, and which customarily remain attached to the product even after sale.

17. Mass transit graphics - graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the City.

18. Searchlights used as part of a search and rescue or other emergency operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special events).

19. Shopping carts, golf carts, horse drawn carriages, and similar devices (any self-propelled or motorized vehicle which may be legally operated upon a public right-of-way is not within this exclusion).

20. Symbols embedded in architecture - symbols of non-commercial organizations or concepts including but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary.

21. Vehicle and vessel insignia - on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel. All other vehicle signs on: 1) vehicles parked on public right-of-way are not permitted and 2) vehicles parked on private property will count toward the total allowable display area.

SIGN AREA

The entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, through signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

SIGN COPY

Any words, letters, numbers, figures, designs or other symbolistic representation incorporated into a sign with the purpose of attracting attention to the subject matter.

SIGN FACE
The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

SIGN STRUCTURE
Any structure that supports or is capable of supporting any sign as defined in this Section. A sign structure may be a single pole and may or may not be an integral part of the building.

SITE
A lot, or group of contiguous lots, with or without development, in single ownership, or having multiple owners, all of whom join in an application for signage.

STREET
A public or private highway, road or thoroughfare which affords the principal means of access to adjacent lots.

TEMPORARY MESSAGE
A message that pertains exclusively to a special event which occurs on, or ends on, a particular day.

TEMPORARY SIGN
A sign that is constructed of lightweight or flimsy material, and is easily installed and removed using ordinary hand tools. Any sign that qualifies as a "structure" under the Building Code is not within this definition.

WALL SIGN
Any sign attached to, erected against, or painted or inscribed upon the wall of a building or structure, with the exposed face of the sign on a plane parallel to the plane of said wall and not located above the roof line, parapet or facade (except when enclosed within a dormer), which does not project more than 12 inches from the building wall.

WINDOW SIGN
Any sign or combination of signs in excess of four (4) square feet, displayed on or behind a window or similar opening in wall.

3304 Sign Allowable Subject to Sign Permit

Signs are permitted under the various use classifications or locations as specified in A through F of this Section 3304.

A. Industrial, Institutional or Commercial Use - Permanent Signs

The following types of signs may be mounted, erected, installed and displayed on commercial, institutional and industrial uses, subject to a sign permit and the rules stated in this section. All commercial messages shall be onsite only.

1. Freestanding Signs

Freestanding sign types include pole signs, ground signs or monument signs.

a. Pole or Ground Signs

A pole or a ground sign may be permitted if all of the following design standards are met in addition to the General Design Standards contained in Section 3306:

Frontage Requirement: The site shall have a street frontage of at least 200 feet.

Number of Allowed Signs: The identification of a single use not located within a building complex will be limited to one freestanding pole or ground sign. The identification of uses located within a building complex will be limited to one freestanding pole or ground sign per each 1000 feet of street frontage provided that complexes with multiple street frontages may be allowed one secondary ground sign with a maximum height of 15 feet provided the total allowable sign area is not exceeded. No individual use located within a building complex will be permitted to have its own freestanding pole or ground sign.

Sign Area: The total sign area of all freestanding pole or ground signs for a single building or a building complex shall not exceed the following:

Total Building(s)Area	Total Sign Area
0-10,000 sq.ft.	50 sq.ft.
10,001-20,000 sq.ft.	100 sq.ft.
20,001- 50,000 sq.ft.	150 sq.ft.
50,001- 100,000 sq.ft.	200 sq.ft.
100,001- 200,000 sq.ft.	250 sq.ft.
Over 200,000 sq.ft.	300 sq.ft. max.

Sign Height: The height of a freestanding pole or ground sign shall not exceed the following standards:

Total Building(s) Area	Total Sign Height
0-20,000 sq.ft.	20 feet
20,001 - 75,000 sq.ft.	25 feet
Over 75,000 sq.ft.	30 feet max.

Location: Freestanding pole or ground signs shall not be placed within a corner clear zone and shall be located so as to not create a pedestrian or traffic hazard.

b. Monument Signs

Freestanding monument signs may be permitted subject to following design standards in addition to the General Design Standards in Section 3306:

Building Complexes: Limited to one monument sign per each 250 feet of street frontage.

Single Use: Limited to one monument sign.

Frontage Requirement: Street frontage on a site where a monument sign is located must be at least 100 feet.

Sign Area: The sign area of a monument sign shall not exceed the following standards:

Building Area	Sign Area
0-10,000 sq.ft.	40 sq.ft.
10,001-25,000 sq.ft.	50 sq.ft.
Over 25,000 sq.ft.	60 sq.ft. max.

For the purposes of computing the area of a monument sign and to encourage better design, a border or frame shall not be counted as sign area provided such border or frame does not exceed an additional 25% of the sign area.

Sign Height: No monument sign including a frame, border or base shall exceed six (6) feet in height as measured from existing grade.

Sign Location: A minimum distance of 100 feet must be maintained between monument signs. Monument signs shall be placed within

a landscaped area. The sign shall not be placed within a corner clear zone, and shall be located as to not create a pedestrian or traffic hazard.

Sign Structure: The base of a monument sign shall be designed to be an integral part of the sign design, not merely a support. The base of a monument sign shall be solid.

2. Wall Signs

Wall signs are intended to be the primary signage for most uses. The following specific design standards shall apply in addition to the General Design Standards in Section 3306:

Sign Area: The maximum size of a wall sign, including a logo, shall be two (2) square feet of sign area for each lineal foot of building frontage. Frontage is computed on an individual basis in multi-tenant buildings. Building frontage shall be measured along that side of the building for which the sign is proposed.

Sign Length: Front Wall Signs - The length of the sign may be up to 70 percent of the building frontage, to a maximum of 50 feet.

Side and Rear Wall Signs - The length of the sign may be up to 50% of the building frontage, to a maximum of 30 feet.

Sign Copy - Letter height for wall signs shall be as follows:

Building Frontage Width	Letter Height
0-20 feet	18 inches
21-40 feet	24 inches
41-60 feet	30 inches
61-80 feet	36 inches
81-100 feet	42 inches
Over 100 feet	48 inches max.

Wall signs shall be limited to a maximum of two (2) lines of copy. The maximum letter height and/or sign face height shall be measured as the combination of both lines of copy, including the space between, or the distance between the top of the sign face and the bottom of the sign face.

Location: The top of the sign shall not project above the intersection of the wall and roof or parapet line. Wall signs shall be limited to two sides of a building.

3. Projecting Signs

Projecting signs shall not extend over the public right-of-way unless an encroachment permit is obtained from the City.

Sign Area: A projecting sign shall not exceed 30 square feet.

Number of Allowed Signs: Only one sign per use is allowed and shall only be allowed if the wall it is projecting from does not have any wall signs. (Exception: If a canopy is over the entrance to a use, a projecting sign may be allowed under the canopy at each entrance provided such sign does not exceed eight (8) square feet and the total projecting signage for the use does not exceed 30 square feet).

Sign Clearance: The bottom of any projecting sign shall be at least eight feet above the walkway.

4. Canopy Signs

Any signage on a canopy shall be included in the total allowable wall sign area for that use and must meet the sign area, length and copy standards for wall signs.

5. Window Signs
No more than 20 percent of the total window area for any one side of a building shall be used for permanent or temporary sign display.

6. Directional Signs
Directional signs shall be no more than three feet high and three square feet.

7. A-Frame and Other Portable Signs
A-frame and other portable signs shall be allowed to be erected and maintained subject to the standards of the "A-Frame and Portable Design Guidelines".

B. Residential Use

Signage for residential uses is allowed, unless specifically prohibited by this ordinance,~~)~~ if complying with the following standards:

1. Signs on Single and Multi-family Residences

Single family residential units may display signs as stated in this subsection, subject to the rules stated in this subsection. Such signs may be displayed without permits, unless the sign qualifies as a structure under the Building Code, in which case all building and other safety code rules apply.

Sign Area: At all times, the total display area of all signs shall not exceed 6 square feet; in the case of freestanding signs, area shall be measured on all sides and shall count separately. However, during the pre-election period, this allowable display area may be increased by 6 square feet.

Height: Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.

Number of signs: Not limited

Location: Not on public property or public right-of-way, or mounted on trees or vegetation.

Message types: Any protected non-commercial, real estate signs, garage sale signs. All other commercial messages are prohibited.

2. Project Entrance Signs

New housing developments may display signs as authorized by this subsection, subject to the rules stated in this subsection.

The signs authorized by this subsection are in addition to those authorized for individual dwelling units.

Number of Signs Allowed: Two signs per each main vehicular traffic entrance. The signs must be placed within a maintained landscaped area within an acceptable easement or open space lot authorized for signage.

Location: Near the main entrance to the project, on private land. The signs must be placed at the main street intersection of the major entrances to the project in such a location as to not obstruct sight distance. Signs may not be located within a public right-of-way. Signs located in the corner clear zone shall not exceed 30 inches in height, nor create a traffic sight obstruction or other pedestrian or traffic hazard.

Size and Height: Thirty-two square feet (per side); four feet high.

C. Agricultural or Open Space Signs

The following signs are allowed:

1. Wall Signs

Wall sign area shall not exceed forty (40) square feet.

2. Monument Signs

Monument signs shall be not exceed forty (40) square feet, ~~n~~or six (6) feet in height. Monument signs shall be placed within a landscaped area.

D. Temporary Signage

The signs authorized by this section are in addition to the maximum allowable signage which is otherwise allowed for signage on a site or residential lot.

Height: Maximum height for freestanding temporary signs is 5 feet.

Number of signs: Unless otherwise stated, the maximum number of separate temporary signs is 4 for commercial, institutional or industrial uses, and 2 for residential, agricultural or open space uses.

Location: Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction hazard. Temporary signs shall not be posted on any tree, bush or other vegetation.

No offsite commercial messages: Temporary signage may

not be used to display offsite commercial messages, or to be used for general advertising for hire.

Time period: Commercial, Institutional or Industrial Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year ~~of~~ from one (1) to fifteen (15) days each period, per use. For building complexes, the combined number of temporary sign display periods shall not exceed five (5) per calendar year. Temporary sign display time periods may be combined consecutively on a site to allow for a total of up to 45 consecutive days of temporary sign display (up to 75 consecutive days for building complexes).

Residential, Agricultural, Open Space Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year from one (1) to fifteen (15) days each period, per each lot. Temporary sign display time periods may be combined consecutively on a lot to allow for a total of up to 45 consecutive days of temporary sign display.

Temporary Signs Displaying Protected Noncommercial Speech: Temporary signage used to display protected noncommercial speech is allowed at all times, however the sum of commercial and noncommercial speech temporary sign display area(s) at any given point shall not exceed the maximum area permitted.
During the election period, temporary noncommercial display area allowances may be increased to permit an unlimited number of signs. Sign area is limited to 16 square feet per sign for commercial and industrial uses, and 6 square feet per sign for residential, institutional, agricultural, or open space uses.

Exceeding time allowance: If the duration of temporary sign display of commercial messages exceeds the applicable maximum time period for temporary signs, then the sign shall be deemed permanent and the area thereof shall be counted against the allowable area for permanent signage for the site or lot. A sign installation permit must be obtained or the sign must be removed.

Sign area: Commercial, Institutional or Industrial Uses. The maximum allowable temporary sign area for a site, per time period, is the same as the allowable wall sign area. For the purposes of temporary sign area computation, the area of pennants, flags, streamers, whirligigs, and similar attention-getting devices not displaying written messages shall not be

included.
Residential, Agricultural, Open Space Uses. The maximum allowable temporary sign area is six (6) square feet.

Owner permission: Permission of the owner of the premises on which the signage is located is required.

Balloons, inflatable signs or inflatable attention getting devices: In addition to the temporary signage permitted above, balloons or inflatable signs or devices shall be permitted subject to the following restrictions for usage:

- Such devices shall be allowed one time in the life of an establishment at a given location for a period of not more than 15 calendar days. Only one balloon or inflatable sign/device is permitted per establishment.

- All requirements of the "Balloons and Inflatable Signs or Attention Getting Device Guidelines" shall be met.

- Prior to use, all inflatable signs shall obtain a permit from the City Planner and Enforcement Officer. Permit requirements include submittal, review and approval of an application and payment of required fees. An application fee of $100 and a deposit of $400 are required for each application. Applications that satisfy all applicable laws, rules, regulations, policies and guidelines shall be approved.

Cost recovery: Whenever the City causes the removal of a temporary sign, for violation of applicable laws, rules etc., the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager or designee is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.

E. Signs within the Downtown "D" District

In addition to the sign regulations elsewhere in this Article, regulations stated in this section shall also apply in the "D" District. The height, width, depth, colors and design features, including lighting and structural support of all exterior signs shall be subject to the design objectives stated in this section. The purpose of this section is to assure compatibility of all signs with the architecture of buildings. Where conflict exists between City standards and the requirements of these regulations, the more restrictive shall apply.

1. Planned Commercial Development

a. Monument Signs

Signs may not exceed six feet (6') in height and shall be located in a landscaped area, the minimum size of which shall be no less than the size of the sign, measured on both sides.

b. Wall Signs

The maximum area of wall signs shall not exceed two (2) square feet of sign area for every lineal foot of occupant's primary frontage, but in no case exceeding 200 square feet.

c. Courtesy Signs

Up to two courtesy signs per occupant frontage, attached to the building or projection thereof, within the limits of each occupant's building frontage, is allowed, subject to a sign permit. In addition, signs designed to guide pedestrian or vehicular traffic are allowed, provided that each such sign do not exceed three (3) square feet.

2. Multi-family Residential and Condominiums

One monument project entrance sign may be installed if the project has access onto one (1) dedicated public street. Two (2) project entrance signs may be permitted when the project has access onto two (2) or more dedicated streets. Monument signs may not exceed six feet (6') in height and

shall be located in a landscaped area, the minimum size of which shall be no less than the size of the sign, measured on both sides.

3. Single Commercial Building

One wall sign per occupant frontage attached to the building or projection thereof and within the limits of each occupant's building frontage (exposed sides of buildings) shall be permitted to a maximum of two (2) signs per occupant. Size shall be limited to two (2) square feet of sign area for every lineal foot of occupant's primary frontage, not to exceed 200 square feet of cumulative sign area. In addition, one monument sign may be allowed pursuant to item 1.a. above.

4. Sign Limitations

Pole signs are prohibited in the "D" District.

5. Additional Regulations and Controls

All developers and owner-participants shall be required to include a sign provision in any and all leases with tenants requiring such lessees to conform to the established sign design and policy within the "D" District in order to ensure a reasonable degree of uniformity and continuity of sign design, scale, proportion, size and placement.

F. Signs within a Historic District

In addition to the regulations elsewhere in this Article, the following regulations shall also apply in the Historic District:

1. Purpose and Consistency

   a. Historic District Signs shall contribute to the retention or restoration of the historic character of the area. Such signs may not compete with one another in terms of visibility, or dominate the setting via inconsistent height, size, shape, number, color, lighting or movement.

   b. The following sign regulations are intended to assure Historic District establishments that all other establishments are similarly regulated. A comprehensive sign package shall be required for all development within the Historic Area.

2. Structural and Dimensional Rules

   a. A freestanding sign shall not exceed 12 feet in height.

   b. A wall sign may not exceed four (4) feet in height and must be securely affixed to a wall and project no more than 6 inches from the face of the wall. A wall sign shall not project beyond the edge of the building face nor above the highest line of the building to which it is attached. The length of the sign may be up to 80% of the building frontage, and shall not exceed 20% of the building frontage wall area.

   c. Window signs painted or permanently affixed on an interior translucent surface, including windows and doors, shall not exceed 20% of the area visible from any one point of the building. Exterior window signs are prohibited.

   d. A monument sign shall not exceed six feet in height (except Entry Monuments which may be twelve feet) and supported by a base not exceeding 25% of sign area.

3. Design Standards

Review: All applications for Historic District signs shall be reviewed by Oceanside Historic Preservation Advisory Commission (OHPAC) and shall be approved only when they conform to the sign controls herein as to characteristics and designs. However, such review shall not consider the message content of the proposed signs.

All requests for signs in excess of sixteen (16) square feet shall be accompanied by documentary evidence that signs of such size and advertising existed in the area during the early years that the mission was in operation. Signs must conform in size, shape, design, material, coloring, lighting and location to the period before the Civil War, unless associated with Heritage Park which is not subject to this criteria.

Sign Review Information: Application for a sign permit shall be accompanied by sketches and drawings to scale showing details of construction, and shall delineate the size, shape, design, material, coloring, lettering, lighting and position in relationship to the building form or place where it will be displayed. Scaled sketches of existing signs on the premises, including signs for which valid permits exist, whether or not such signs are in existence, shall accompany the application.

Colors: Colors shall be consistent with the period of the building or site. No luminous paints or plastics shall be permitted.

Typefaces: The typeface used on all signs shall be consistent with the mission period. Acceptable type styles include the following (unless associated with Heritage Park or Ivey Ranch Park which are not subject to these type styles): Libra, Goudy, Medieval, Solemnis, Garamond, Friar, Alternate Gothic, American Uncial.

Illumination: Signs may be lighted. However, no light that flashes or blinks or effects changes in hue or intensity of illumination is permitted. Digital display signs(LCD, CCD, plasma, etc.) is prohibited. Illumination sources for the sign shall be hidden from view.

Acceptable Sign Materials: The following materials are acceptable for sign face, supports or

standards.

- Rough sawn wood and/or wrought iron with painted backgrounds and lettering.
- Smooth wood with painted background and lettering.
- Wood cutouts, carved out letters, or wrought iron silhouettes on any of the above.
- Signs directly painted on a building. (This is defined as a wall sign.)
- Ceramic tiles of letters or symbols inset in adobe or wood.
- Wood or stucco finished sign posts are required.

Prohibited Sign Materials: The following materials are prohibited for Historic District signs:

- Contemporary finishes such as plastics, fiberglass, porcelain enamel, aluminum and stainless steel.
- Sheet metal.
- Bright glossy enamel, fluorescent paint or reflective surfaces.
- Exposed metal supports in extruded, rolled or tubular sections.

Sign Placement: One wall sign is permitted on the face of each establishment.

Sign Size: A sign on the front or primary face of an establishment shall not exceed one square foot for each linear foot of frontage, up to a maximum of 16 square feet.

Signs on the side or rear wall of an establishment shall not exceed one-half square foot for each linear foot of street or dedicated walkway frontage along those walls, up to a maximum of 12 square feet.

One perpendicular (30 degree or greater) projecting sign not to exceed six (6) square feet

will be permitted on the front of or primary face of each establishment.

Freestanding Signs: No freestanding or roof top canopy signs shall be permitted, unless the establishments are located within an arcade, court or similar structure that is not on a public right-of-way. In such case, the establishments so located may collectively place a single freestanding sign at the entrance of said arcade or court. Maximum height of such sign shall not exceed four feet above average adjacent grade. Each establishment shall have a maximum of 1.5 square feet for display of their message or image.

Courtesy Signs: Courtesy signs are permitted on the faces of buildings or structures, provided that are not placed higher than 8 feet above the immediately adjacent ground level or above the eave line, whichever is the lesser.

Directional Signs: Multi-user directional signs may be located on a separate freestanding pole structure provided that the structure and/or sign affixed to same does not exceed six feet in height. Single use directional signs shall be no more than three feet high. Maximum size for a single sign or panel is four (4) square feet; maximum number per establishment is four.

Address Signs/ Name Plates: Name plates and address identifiers shall not exceed one square foot in area; maximum one per establishment or residence.

Location Markers: Location markers are permitted as ground signs which illustrate the historic core layout and list and locate the establishments therein. The sign shall not exceed four feet in height or width. They shall have a terra cotta red background with white letters or graphics. The location and number of these markers shall be determined by OHPAC.

3305 Prohibited Signs

The following signs are prohibited:

A. Animated Signs.

B. New billboards and conversion of existing billboards to digital or electronic display.

C. Signs that physically obstruct or pose obstruction to vehicular or pedestrian travel.

D. Roof signs.

E. Abandoned signs.

F. Signs that mislead or confuse drivers.

G. Illegal signs.

H. Signs displayed without Permission of Owner or Lessee.

I. Signs that are hazardous or unsafe by virtue of their physical condition.

J. Signs that flash, blink or use intermittent light, or which emit smoke, fumes, flashes, sparks, or sound;

K. Commercial mascots

L. Signs that use reflectors or mirrors

M. Search lights used for advertising or attention getting

N. Signs that are activated by air, forced air, forced gas, or wind.

O. Signs that interrupt or encroach into the corner clear zone.

P. Private party signs placed on City property without consent, as provided in Article 33B.

Q. Digital display/Electronic Message signs, excepting therefrom signs permitted pursuant to Section 3307, Comprehensive Sign Package.

R. Feather banners

3306 General Sign Standards

A. Sign Area

Signage area shall be calculated by using the entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, trough signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

B. Height

The height of any sign shall be the measurement from the top of the sign cabinet, including all ornamentation and supports, to the existing grade beneath the sign.

C. Illumination

Sign illumination shall be from interior light source contained within the sign cabinet. Indirect exterior illumination shall be permitted provided the light source is entirely shielded from view. Such signs shall comply with the following provisions:

- No sign shall be illuminated by an exposed light source visible from any public street or residential property. Neon tubing shall be allowed on a limited basis, subject to City Planner approval, if it is made an integral part of the sign design and computed within the sign area.
- No sign shall employ the use of mirrors or any other highly reflective surfaces so as to direct or reflect any natural or artificial light onto any public right-of-way or adjoining property.
- Halo or back lighting shall not count toward the total sign area.

D. Sign Maintenance

All signs shall be kept in good repair at all times.

E. Relocation

A permanent sign may be relocated only pursuant to a new permit. Relocated signs must comply with all rules that apply to the new location.

F. Flags

Flags are considered signage if not meeting the definition of "flag" in Section 3303.

3307 Procedures of Sign Approval

All sign permit applications shall be consistent with the provisions of this Article and/or with an approved Comprehensive Sign Package. A Sign Installation Permit can be issued upon the completion of the steps in Section B below.

A. Types of Sign Permits

All signs that are not expressly exempted from the sign permit requirements may be installed, erected, or displayed only pursuant to a sign permit. There are two types of sign permits: Sign Installation Permits and Comprehensive Sign Packages.

1. Signs Exempt from Sign permit Requirements

An exemption from Sign Installation Permit shall not be deemed to grant authorization for the installation of any sign not in compliance with all requirements of this Article, not any provisions of the codes of the City of Oceanside. All signs that have an electrical system shall require an electrical permit issued by the Building Official. The following sign types are exempt from the sign permit requirement, but are still subject to all other applicable laws, rules, regulations, policies and approvals.

a. Temporary Signs in compliance with Section 3304.D of this Article.

b. Window Signs in compliance with Section 3304.A.5 of this Article.

c. A-Frame and other portable signs in compliance with Section 3304.A.7 of this Article.

d. Signage on residential property in compliance with Section 3304.B.1 of this Article.

e. Courtesy Signs in compliance with this Article.

Application for a Sign Installation Permit may be filed with the Development Services Department or Economic and Community Development Department. The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the City Planner or the Economic and Community Development Director that said application complies with the provisions of this Article and all other applicable laws, rules, regulations and policies, including all applicable health and safety codes.

2. Comprehensive Sign Package

Buildings or building complexes containing three or more uses or separately leasable spaces, shall be required to submit a Comprehensive Sign Package prior to the issuance of the first sign permit for the building complex. Such sign package shall be in conformance with the provisions of this Article, and shall be designed and constructed to meet all applicable codes. The sign package shall contain provisions that establish color, size, location, types of signs, lighting and other requirements in order for safety and aesthetics to be considered.

Notwithstanding any of the foregoing requirements applicable to buildings or complexes containing three or more uses or separately leasable spaces, uses on a commercial zoned district located on a site greater than 3 acres may submit for consideration by the Planning Commission a Comprehensive Sign Package in order to: a) facilitate high quality innovative design through technologically advanced sign solutions and b) eliminate blight and improve aesthetics through a net reduction of legally permitted on-site signage. Digital display signs may be considered as part of such Comprehensive Sign Package subject to the following:

- Minimum site area: 3 acres comprised of either a single parcel or the aggregate of multiple contiguous parcels, under single or multiple ownerships.
- Site location: Within 150 ft. (max)from I-5, SR76 or SR78.
- Sign standards: Development standards shall be as set forth in Article 33A, or as modified by the Planning Commission at the time of Comprehensive Sign Package program approval. Any deviations to applicable sign regulations must enhance the character of the development by addressing sign location, number, area, height, illumination and sign separation from less intense uses.
- Number of signs: One wall or freestanding digital display sign.(This sign shall be in lieu of an otherwise allowed freestanding sign)
- Hours of operation: 6:30a.m.-11:30p.m.
- Separation from residential uses: 500ft.(min)
- Light intensity: No changes in light intensity (other than between day and night) shall be permitted.
- Message dwell time: 8 seconds (min)
- Message transition time: Instant message transition or a fading transition of no more than 1 second. At no time shall a digital display go blank during a transition.
- Brightness control: A sensor or other device shall automatically adjust the brightness of the digital display based on ambient lighting changes, in compliance with applicable State and local lighting standards.

Digital signs are prohibited within the Mission Historic District.

B. Approving Authority

The following persons, departments, advisory or legislative bodies are entitled to approve or deny sign requests as follows:

1. Sign Installation Permit

The Building Official is authorized to issue a Sign Installation Permit upon receipt of

documentation of approval from the City Planner or the Economic and Community Development Director that said Sign Installation Permit Application complies with the provisions of this Article, and upon further documentation that the proposed sign installation complies with all applicable health and safety codes.

2. Comprehensive Sign Package

Unless otherwise indicated, the City Planner or the Economic and Community Development Director shall consider and either approve or deny Comprehensive Sign Packages according to the provisions of this Article. The decision of the City Planner or the Economic and Community Development Director is appealable to the Planning Commission, Community Development Commission, Harbor Board or City Council.

The City Planner or Economic and Community Development Director may refer Comprehensive Sign Packages to the Planning Commission or Community Development Commission respectively if he/she finds that the proposal may conflict with the purposes and criteria set forth in this Article.

C. Public Hearing Process

Any application to consider an appeal of a Comprehensive Sign Package shall be heard by the Planning Commission at a public hearing in accordance with the provisions of Article 46 of the Zoning Ordinance. A completed application form with the appropriate filing fees shall be filed with the Development Services Department or Community and Economic Development Department. A decision by the Planning Commission is appealable to the City Council or Harbor Board pursuant to the provisions of Article 46 of the Zoning Ordinance, except the decisions of the Community Development Commission are final when acting as the Planning Commission.

D. Issuance or Denial

Regardless of sign permit type, the reviewing authority shall, within forty-five (45) days of the filing of a complete permit application shall approve and issue the permit if the standards and requirements of this Article and all other applicable laws, rules, regulations and policies have been met, unless the time

is mutually extended by the parties. If the requirements of the permit have not been met, the application will be denied in writing stating all reasons for denial. Such denial is also subject to the 45 day limit.

Judicial review of a decision denying the permit shall be in Northern San Diego County Superior Court, pursuant to the California Code of Civil procedure, or as otherwise authorized by law.

E. Comprehensive Sign Package Findings

Pursuant to Section 3307A.2, the Planning Commission, City Planner or Economic and Community Development Director, as the case may be, may approve a Comprehensive Sign Package if on the basis of the application, plans, materials, and testimony submitted, finds:

1. The proposed sign(s) conform with the criteria set forth in this Article;

2. The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;

3. The proposed sign(s) will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicular or pedestrian traffic; and

4. The proposed sign(s) will not have an adverse visual impact on adjoining land uses.

3308 Non-conforming Signs

A. Intent

It is the intent of this Section to encourage and promote compliance of existing signs with the provisions of this Article and the eventual elimination of non-conforming signs. The achievement of full compliance of all signs with the provisions of this Article is as important as is the prohibition of new signs that would violate these regulations. If the sign is one defined by the Outdoor Advertising Act, section 5499.1, it shall be abated following notice and hearing procedures required by Section 5499.1 et seq. of the Business and Professions Code.

B. Legal non-conforming signs

Every on-site sign becoming non-conforming as a result of this Article shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493, 5495, and 5497.

An existing sign which was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign permit but becomes non-conforming by adoption of this Article or other regulation will be allowed within the amortization period unless any of the following occurs:

1. The sign structure is altered which makes the sign less in compliance with the requirement of this code than it was before the alteration; or

2. The sign structure is relocated to a different location on the site or lot, making it less in compliance with the requirement of this code.

3. The sign or sign structure is replaced (excluding change of copy). On the happening of any one of 1, 2 or 3 above, the sign shall be immediately brought into compliance with this code with a new permit secured, or shall be removed within 48 hours.

C. Sign Removal

Every legal off-site sign becoming non-conforming as a result of this ordinance may be removed in accordance with the provisions of California Business & Professions Code sections 5412, 5412.1, 5412.2, and 5412.3. All illegal signs listed below shall be forthwith removed by the owner or by the City with 48 hours notice to the owner.

1. A sign which was legal but nonconforming that becomes illegal and nonconforming by the occurrence of B1, B2, or B3 above.

2. Any illegal sign.

3. A non-conforming sign which has exceeded its authorized amortization period.

4. An abandoned sign.

5. A display existing without permission of owner or lessee.

D. Amortization Period

All legal non-conforming signs shall have a useful life and legal life of fifteen years, calculated from the date of adoption of the regulation making it nonconforming or upon the date of a court order deeming the regulation unconstitutional. Upon expiration of the sign amortization period, the sign shall be removed by the owner without compensation. Upon determination that a sign is nonconforming, the Enforcement Officer will issue written notice to the owner or user of the sign or to the owner of the property on which the nonconforming sign is located, requiring conformance or removal therefor if unable to conform. If, after a reasonably diligent attempt to serve written notice, the owner and user have not received notice, then the City must either post the notice or publish the notice in a local newspaper which is customarily used for notice by the City. If the sign remains thereafter, the City may proceed with abatement procedures or other legal methods, with such costs of removal by the City to be charged against the owner. Nothing in this Article shall preclude any owner or user from voluntarily conforming a nonconforming sign at any time prior to the expiration of the amortization period.

3309 Enforcement

Any violations of this Article shall be subject to the enforcement remedies and penalties provided by this Article, the Oceanside Zoning Ordinance, the Oceanside City Code and by ~~S~~state and ~~F~~federal law. Each sign and each day is subject to separate misdemeanor violations when applying penalties. It shall be a misdemeanor to install, erect, fail to remove, or maintain any sign without a permit if a permit is required by this Article. It shall also be a violation to install, erect, fail to remove, or maintain any sign in violation of this Article. Enforcement may be pursued by criminal penalties of up to 6 months in jail and or a fine of up to $1,000, nuisance abatement, injunction, or other remedies available by law. All such penalties may be cumulative.

A. Criminal Enforcement

It is illegal to install, mount, display, use, occupy or maintain signs in violation of this Article. Any violation or failure to comply with the provisions of this Article constitutes a misdemeanor, a separate violation for each day each sign is in violation. Such misdemeanor violations may be punished in accordance with the provisions of Chapter 1 of the Code of the

City of Oceanside or other remedies provided by law.

B. Civil and Administrative Remedies

Violations of this Article may be remedied by civil and/or administrative procedures, as authorized by City or State law.

C. Abatement

1. Nuisance Abatement

Signs not in compliance with this Article are hereby declared to be a public nuisance, which may be abated in accordance with the requirements of Oceanside City Code Chapter 17, Article I, or by methods authorized by State law.

2. Summary Abatement

Signs located in the public right-of-way which are not in compliance with this Article may be declared to be a public nuisance subject to summary abatement by the Enforcement Officer. In addition to any criminal or civil penalties prescribed by law, the actual costs of abatement of such signs shall become a debt owed to the City by the person responsible for or causing placement of the sign. Said debt shall be subject to cost recovery.

3. Sign Maintenance

Maintenance of a sign in violation of this Article is an infraction. If notice of violation is given, and there is no cure of the violation within 30 calendar days, the Enforcement Officer may issue a citation. Fines assessed will be in accordance with the Oceanside Municipal Code.

If a violative sign is not repaired within 30 days of the first violation, a second violation will be issued to the owner and/or user of the sign and will continue to be assessed each day thereafter until the sign is repaired.

4. Hazardous and Unsafe Signs

The Enforcement Officer, upon identification of a hazardous or unsafe sign, shall give written notice to the property owner and/or party responsible for the sign of the condition or conditions which render the sign hazardous or

unsafe, and an order to abate the public nuisance caused by the existence of the hazardous or unsafe sign. The Enforcement Officer will determine an appropriate time period for remedy. At the expiration of the remedy period, if the hazard has not been voluntarily abated, the Enforcement Officer shall proceed to abate the nuisance in accordance with the procedures contained in Oceanside City Code Chapter 17, Article I. In cases where a sign, by virtue of its physical condition, constitutes an immediate and serious threat to the public safety, the Enforcement Officer may summarily remove, correct, or abate the dangerous condition; in such case, the cost of immediate remedy may be charged to the sign owner or other person responsible for the dangerous condition.

D. Right of entry

When it is necessary to make an inspection to enforce the provisions of this Article, or when the Enforcement Officer has reasonable cause to believe that there exists any sign or a condition which makes such sign unsafe, abandoned, illegal or nonconforming, the Enforcement Officer may petition the Court to enter the lot, building, or premises on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed by this Article.

E. Notice

For purposes of this Section, written notification deposited in the U.S. Mail, or personal delivery, or posting, or publication in a local newspaper shall constitute proper notice.

3310 Severability

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a 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 passed this ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

EXHIBIT B

Article 33B Signs

Sections:

3311 Title, Capacity and Scope
3312 Intent as to Public Forum
3313 Definitions
3314 General Prohibition
3315 Signs Exempt from Permit Requirements
3316 Kiosk Program Directional Signage
3317 Temporary Inanimate Signs
3318 Permanent Private party Signs on City Property
3019 Signs within the Small Craft Harbor Area

3311 Title, Capacity and Scope

A. Title

This Article may be referred to as the City Property Sign Ordinance.

B. Capacity

In adopting this Article the City Council acts in its proprietary capacity as to City property.

C. Scope

This Article states City policies and rules for the display of signs on City property.

3312 Intent as to Public Forum

The City declares its intent that all public property shall not function as a designated public forum for sign display, unless some specific portion of public property is designated herein as a public forum of one particular type; in such case the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.

3313 Definitions

For purposes of interpreting and enforcing this Article, the following words have the special definitions given. For words not defined in this chapter, definitions from Article 33A Signs, Section 3303 may be used.

ADMINISTRATOR
Administrator means the person authorized by the City Council to enforce and interpret this chapter; in the absence of a contrary authorization by the City Council, the Administrator shall be the City Manager or his/her designee.

CITY
City means for purposes of this Article the City of Oceanside, California and any of its associated entities including, but not limited to, the Oceanside Redevelopment Agency.

CITY PROPERTY
City property means land or other property in which the City is the owner or has the present right of possession and control, as well as areas which are either designated as public rights-of-way or which have long been used as such.

PERMIT
Permit means a written authorization from the City for a third party display of a sign on public property.

PERSONALLY ATTENDED
Personally attended means that a person is physically present within five feet of the sign at all times.

SIGN ORDINANCE
Sign Ordinance means Article 33A and 33B as it may be amended from time to time.

TRADITIONAL PUBLIC FORUM
Traditional public forum means the surfaces of City-owned streets, surfaces of City-owned parks, surfaces of City-owned plazas, surfaces of sidewalks which are connected to the City's main pedestrian circulation system and the exterior surface of pedestrian areas immediately surrounding City Hall.

3314 General Prohibition

Unless a specified sign type is exempt from the permit requirement, private persons may display signs on public property only by permit. Any permit application which is denied may be appealed in the same manner as the appeal process described in the Sign Ordinance.

3315 Signs Exempt from Permit Requirement

A. Government signs

Signs posted by the City on City Property to express

its own message(s) to the public; traffic control and traffic directional signs erected by the City or other governmental entity; official notices required or authorized by law or court order; signs placed in furtherance of the City's governmental functions.

B. Picketing

The personal carrying of signs "picketing," displaying protected noncommercial speech messages, is allowed in Traditional Public Forum Areas, except in the roadway when it is open to normal vehicular traffic; picketers may not interfere with public ingress or egress or free use of sidewalks or public right-of-way. For safety reasons, picketing is allowed from sunrise until 10 p.m. In order to serve the City's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within the clear corner area.

3316 Kiosk Program Signage

This Section provides for directional, event and community signage within the public right-of-way within an approved kiosk under the City's Kiosk program. It is intended to permit government owned off-site directional signs necessary to serve the community for purposes of order, direction and safety. In order to avoid adverse effects on the aesthetics of the City, to minimize traffic safety issues and to prevent a proliferation of such signs, regulations for the location, standards, number of such signs, and their approval and removal are included in this Section.

All kiosk displays shall substantially comply with applicable sign design standards, program guidelines, and structural requirements. The City Planner or Economic and Community Development Director and Building Official shall review all such displays to ensure their compliance with those standards and requirements.

A. Kiosk Program Regulations and Standards for Commercial and Non-Commercial Signs.

Design and Location: The Development Services Director or Economic and Community Development Director shall approve the design of kiosk displays in various strategic locations throughout the City. Such design and location discretion shall only be made with due

consideration to aesthetic appearance, cost, readability, traffic and public safety concerns and may include pedestrian oriented digital/electronic message displays.

- Kiosk designs utilized throughout the City shall be on file in the Building Division. The height and design of all kiosk displays shall be subject to approval of the City.

- Kiosks shall be in the public right-of-way.

- Each kiosk shall have "Oceanside" and the City logo displayed in a prominent location on the sign.

- No more than eight kiosk sign panels for any person or entity is allowed within the City. A kiosk sign display shall not be duplicated on an individual kiosk. A double-sided message display shall be considered one kiosk sign display for the purposes of this Article.

- There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved.

Number of Kiosk Display Signs: An applicant may apply for signage to be placed within one or more kiosk displays. All applicants shall be subject to the rules, regulations and requirements placed on such signage consistent with the provisions of this Article.

Sign Removal: Any sign placed contrary to the provisions of this ordinance may be removed by the Code Enforcement Officer without prior notice.

Enforcement: Non-compliance or kiosks improperly maintained shall be subject to the enforcement provisions provided in this Article and/or the Oceanside City Code.

3317 Temporary Inanimate Signs in the Public Right-of-way

Temporary signs displaying any type of variety of constitutionally protected noncommercial speech may be displayed by private persons up to thirty days prior and five days after any official local, state, regional, or national authorized election. Such sign display by private persons is subject to a permit and the following rules:

Sign Area: The maximum allowable sign area is 6 square feet per sign (measured on both sides.)

Height: Maximum height of freestanding signs is 5 feet.

Posting On Structures: All signage within the public right-of-way shall be self-supporting and freestanding. No temporary sign shall be posted on any streetlight, utility pole, post, pole, or structure supporting a traffic control sign or signal, fire hydrant, or similar structures in the public right-of-way.

Safety of Placement: Temporary signs posted in the public right-of-way shall meet the following criteria:

- When located in the Corner Clear Zone, the sign shall not exceed 30 inches in height.

- Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs, or signals, or otherwise represent a hazard to vehicular or pedestrian traffic.

- Signs shall not impede a pedestrian's free use of the sidewalk.

- Signs shall be securely affixed to the property on which they are placed.

- Signs shall not be placed in the center of public roadway medians.

Permit Application Requirements: Prior to posting any temporary sign on the right-of-way, the private party responsible for the posting and maintenance of such signs, hereinafter referred to as "responsible party," shall provide the following information to the Enforcement Officer:

- Application - An application shall be filed with the Code Enforcement Office by the "responsible party". This application shall be in a form and content as required by the Enforcement Officer. This application shall minimally include the following information:

  - Identification Information - A description of the signs sufficient to allow the Enforcement Officer to identify the responsible party for the purposes of enforcement.

  - Name, address, and telephone number of the

responsible party.

No permit nor deposit is required for the posting of temporary signs on public property by the City of Oceanside.

Sign Removal: Temporary signs shall be removed from the public right-of-way not later than the removal date indicated in the application.

Cost Recovery: Whenever the Enforcement Officer causes the removal of a temporary sign, the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.

3318 Permanent private Party Signs on City Property

Notwithstanding the prohibited sign types listed in the sign ordinance, the City Council may approve proposals for private parties to place permanent signs on city property or city right of way, upon finding that the proposed sign is in the best interests of the City through the promotion of City sponsored events and the dissemination of public safety and traffic messages. The City may impose conditions on the approval through the terms of the lease, contract or license. Before approving a private party sign under this section, the City shall conduct a request for proposals open to interested parties. Placement of one electronic message billboard structure with two digital display "faces" or panels on city property or right of way may only be permitted as part of a legally enforceable agreement to replace two existing billboard structures, each with two billboard display faces, within the City of Oceanside. The area of a digital billboard display "face" or panel shall not exceed the smallest of the static billboard panels it is replacing. The City shall comply with the California Environmental Quality Act before approval of any lease, contract or license.

3319 Signs within the Small Craft Harbor

In addition to the sign regulations elsewhere in this Article, the following regulations shall also apply in the Oceanside Small Craft Harbor:

1. Freestanding Signs

a. Pole or Ground Signs

Major. A major pole or a ground sign shall be allowed at the two major entryways to the Harbor. The sign shall be designed to denote "Oceanside Harbor" with the appropriate directional signage. Signage of uses within the harbor area may be displayed on separate lighted panels. Non-commercial messages may also be displayed.

Minor. Minor pole or ground signs shall be allowed at major intersections within the harbor. These signs shall be a variation of the sign design proposed for the major entryways to the Harbor. Such signs shall use a modular replaceable-unit or a translucent panel system with internal lighting, and a highly visible typeface. Non-commercial messages may also be displayed. Maximum height of a minor pole or ground sign is 14 feet.

b. Monument Signs

Location: Signs shall be located at the outer face of leasehold or near the street front property line or vehicular entrance to leasehold. Signs must be located and oriented to avoid interference with vehicle driver's safe line of sight.

Maximum Quantity: One (1) per separate establishment at street frontage or entrance driveway.

Size: Maximum panel size is six (6) square feet. Maximum height is six (6) feet.

Materials: Limited to wood or acceptable metals or plastics.

2. Wall Signs

Location: Signs shall be located on building façade or on-site adjacent to entry of building. Wall signs shall not be placed on roofs or windows.

Maximum Quantity: One (1) per separate establishment on each street frontage and/or water frontage façade.

Size: Size and quantity must be compatible with scale of structure, but in no case can it exceed 12 square feet of panel size in one elevation (building face) or

24 square feet on all elevations (building face).

Materials: Limited to wood or acceptable metals or plastics.

3. Courtesy Signs

Location: Signs may be located anywhere within a leased parcel.

Maximum Quantity: Number of signs per leased parcel shall be as needed for directional and informational signage.

Size: Maximum of four (4) square feet for each panel size and a total of 24 square feet for all courtesy signage on a lease parcel.

Materials: Limited to wood or acceptable metals or plastics.

4. General Design Standards for All Site Signs

All site signs shall conform to the following design standards:

- Extensive use of wood in both sign panel and support structure.
- Display light sources should be screened from autos, boats and pedestrians. No internal lighting is permitted.
- Temporary display banners and flags require approval by the Harbor Director as to size and location.
- Boat sale displays should have consistent sign sizes and typography within a single parcel, and "false sail" signs in sailboat rigging should be in conformance with these regulations. (See Boat Sign Ordinance 72-5.)
- No more than 20 percent of the total window area for any one side shall be used for permanent or temporary sign display.
- Where multiple uses or establishments are located within the same parcel, all signs on that parcel will use consistent design as to materials, proportions and lighting. should be of similar

materials and proportions, consistently.

- Lighting that creates a confusing background for harbor night entry is prohibited.

5. Permitting

Other than courtesy signs which use no electricity or special lighting, and temporary signs exempt from permitting, all private party signs in the Harbor District may be installed or displayed only pursuant to a sign permit. Any application for such a permit will be granted when the proposed sign(s) complies with all applicable laws, rules, and policies.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM RELATING TO THE CITY'S SIGN REGULATIONS AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT

(City of Oceanside –Applicant)
(LCPA11-00002)

WHEREAS, the California Coastal Act (Public Resources Code §30000, et seq.) (the "Coastal Act") requires that the City adopt a Local Coastal Program (LCP) which meets the requirements of the Coastal Act at the local level and implements its provisions and policies;

WHEREAS, on January 25, 1985, the California Coastal Commission ("Commission") approved with suggested modifications, the City's Land Use Plan ("LUP") and, pursuant to Public Resources Code §30512.2, found the City's LUP to be consistent with the policies and requirements of Chapter 3 of the Coastal Act and to meet the basic stated goals specified in Public Resources Code §30001.5;

WHEREAS, on December 8, 2008, the California Coastal Commission (CCC) established with the City of Oceanside that development proposals in those portions of the Coastal Zone located outside of the Downtown Redevelopment Area would be reviewed for consistency under the standards of the City's 1986 Zoning Ordinance, in light of the fact that the previously applicable 1992 Zoning Ordinance had never received CCC certification; and

WHEREAS, on May 11, 2009, the City acknowledged in correspondence to the CCC the obligation to use the 1986 Zoning Ordinance as the standard for review of development proposals within those portions of the Coastal Zone located outside of the Downtown Redevelopment Area; and

WHEREAS, on January 23, 2012, the Planning Commission conducted a public workshop to solicit community input on the subject of signage; and

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WHEREAS, in response to input received from both the Planning Commission and the community at-large, the Planning Division prepared recommendations for text amendments to both the 1986 and the 1992 Zoning Ordinances; and

WHEREAS, the Planning Commission did, on the 13th day of February, 2012, conduct a duly-advertised public hearing as prescribed by law to consider said recommendations for text amendments to the 1986 and 1992 Zoning Ordinances; and

WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the State Guidelines thereto amended to date and hereby approved by the City Council in conjunction with its recommendations on the application; and

WHEREAS, the City Council and Community Development Commission find that the Local Coastal Program Amendment (LCPA11-00002) conforms with and is adequate to carry out the land use plan of the Local Coastal Program.

NOW, THEREFORE, the Oceanside City Council and Community Development Commission of the City of Oceanside DOES RESOLVE as follows:

1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council/ Community Development Commission hereby certifies that the Local Coastal Program Amendment (LCPA11-00002) is intended to be carried out in a manner fully in conformity with the Coastal Act.

2. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines thereto amended to date, a Notice of Exemption has been issued for the project by the Resource Officer for the City of Oceanside.

3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this amendment shall take effect upon Coastal Commission approval.

4. Notice is hereby given that the time within which judicial review must be sought on the decision is governed by Public Resources Code §30801.

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PASSED AND ADOPTED by the Oceanside City Council/Community Development Commission this _____day of _____, 2012 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor/CDC Chair of the City of Oceanside

ATTEST:

_____
City Clerk/ CDC Secretary

APPROVED AS TO FORM:

_____
City Attorney/ CDC General Counsel

PLANNING COMMISSION
RESOLUTION NO. 2012-P06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING APPROVAL OF AMENDMENTS TO CITY SIGN ORDINANCE PROVISIONS AND ESTABLISHING THE AMENDED TEXT AS PART OF THE LOCAL COASTAL PROGRAM

APPLICATION NO:	ZA11-00004, LCPA11-00002
APPLICANT:	City of Oceanside
LOCATION:	Citywide

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, Article 33, of the 1986 Zoning Ordinance and Article 33 of the 1992 Zoning Ordinance set forth regulations for signage within certain portions of the City of Oceanside; and

WHEREAS, on December 8, 2008, the California Coastal Commission (CCC) established with the City of Oceanside that development including sign proposals in those portions of the Coastal Zone located outside of the Downtown Area (District "D") would be reviewed for consistency under the standards of the City's 1986 Zoning Ordinance, in light of the fact that the previously applicable 1992 Zoning Ordinance had never received CCC certification; and

WHEREAS, on May 11, 2009, the City acknowledged in correspondence to the CCC a legal obligation to use the 1986 Zoning Ordinance as the standard for review of development proposals within those portions of the Coastal Zone located outside of District "D"; and

WHEREAS, amendments to the 1986 and 1992 sign ordinance are necessary to ensure regulation of signs in a constitutional manner citywide, distinguish regulatory from proprietary sign regulations, establish parameters for emerging sign technologies (including digital display signs), and update or clarify existing definitions and regulations; and

WHEREAS, on January 23, 2012, a Planning Commission workshop was held to discuss potential sign ordinance amendments and solicit preliminary input from the Planning Commissioners and public at large; and

B. BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend against adoption of Section 3318 of Article 33B associated with Zone Amendment (ZA11-00004) and Local Coastal Program Amendment (LCPA11-00002).

PASSED AND ADOPTED Resolution No. 2012-P06 on February 13, 2012 by the following vote, to wit:

As to Part A, above:

AYES:	Rosales, Balma, Troisi, Scrivener and Ross
NAYS:	None
ABSENT:	Martinek
ABSTAIN:	Neal

As to Part B, above:

AYES:	Rosales, Neal, Troisi, Scrivener and Ross
NAYS:	Balma
ABSENT:	Martinek
ABSTAIN:	None

Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2012-P06.

Dated: February 13, 2012

Jerry Hittleman, City Planner

Date: February 8, 2012

cc: [x] Project file [X] Counter file [ ] Library Posting: [ ] County Clerk $50.00 Admin. Fee

ATTACHMENT 6

AGENDA NO. 4

PLANNING COMMISSION ***STAFF REPORT***

DATE: February 13, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **ZONE AMENDMENT (ZA11-00004) AND LOCAL COASTAL PLAN AMENDMENT (LCPA11-00002) AMENDING ARTICLE 33 OF THE 1992 ZONING ORDINANCE, REPEALING ARTICLE 33 OF THE 1986 ZONING ORDINACE AND ESTABLISHING THE AMENDED TEXT AS PART OF THE IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM – APPLICANT: CITY OF OCEANSIDE**

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council approval of the amendment to Article 33 of the 1992 Zoning Ordinance, repeal of Article 33 of the 1986 zoning ordinance and inclusion of the amended text as part of the Local Coastal Program by:

(1) Adopting Planning Commission Resolutions No 2012-P06 recommending approval of Zoning Amendment (ZA11-00004) and Local Coastal Plan Amendment (LCPA11-00002) to the City Council with findings of approval attached herein.

BACKGROUND

Local Sign Regulations: On-site signage for properties within the Coastal Zone area (except for the downtown "D" district) are subject to compliance with the 1986 sign ordinance regulations, while all other areas of the City (including the downtown "D" district) are subject to the 1992 sign ordinance. Neither sign ordinance has been comprehensively updated since adoption, and revisions to both are necessary to bring them up to date with recent court rulings that have defined legal parameters for the regulation of signage. In addition, formatting and minor revisions to current definitions, and regulations could add clarity to the existing documents. New parameters for emerging and advanced sign concepts such as digital display signs could allow modern sign technologies to be considered as part of future signage proposals on private and City owned properties.

PROJECT DESCRIPTION

Intent:
Existing sign ordinance provisions are proposed to be modified in order to: 1) ensure regulation of signs in a constitutional manner, in accordance with case law that has developed since the approval of the currently applicable sign ordinances; 2) distinguish regulatory (private property sign requirements) from proprietary (city property sign requirements) sign standards and update or clarify existing definitions, regulations, etc.; and 3) establish parameters for emerging sign technologies – including digital display signs on private and City owned properties. The legislative draft of the proposed sign ordinance amendment (Attachment 2) identifies in detail the extent of the proposed modifications.

Required Entitlements:
A zoning text amendment to repeal Article 33 of the 1986 zoning ordinance and amend Article 33 of the 1992 sign ordinance (ZA11-00004) and a Local Coastal Program (LCPA11-00002) amendment is necessary to establish a common regulatory framework for future signage within coastal areas, governed by the 1986 zoning ordinance and other areas of the City, governed by the 1992 zoning ordinance.

ANALYSIS

The city-initiated process of developing revisions to the sign ordinance is a multi-departmental effort led by the Development Services Department and the City Attorney's Office. Randal R. Morrison of Sabine and Morrison was retained to provide expert legal advice and ensure enforceability of proposed regulations. Sign regulations from multiple jurisdictions were reviewed by staff to establish a basis for comparison and technical reports were evaluated extensively to identify issues, challenges and solutions.

A Planning Commission workshop was held on January 23, 2012, to solicit preliminary input by the community and Planning Commissioners. Issues related to sign content neutrality; potential negative signage impacts (roadway safety, visual, quality of life) and digital display sign design advantages were discussed. After hearing presentations from the City's consultant, planning staff and testimony by the public the Planning Commission directed as follows:

1) Incorporate sign ordinance revisions necessary to address constitutionality issues and establish a legally defensible ordinance;
2) Incorporate provisions for digital display billboards on City property as part of a trade/exchange of existing billboards with digital display boards at a greater than one to one ratio;
3) Incorporate provisions for digital signage on private property, subject to additional regulations;

4) Consider inclusion of a sign reduction program;
5) Consider placement of digital signage at select locations within the public-right-of-way to promote community events and commerce;
6) Incorporate provisions prohibiting feather signs;
7) Provide a matrix summarizing digital sign provisions utilized by other jurisdictions.

Planning Commission Directive #1: Sign Ordinance Constitutionality

The display of a visual image which is intended to be communicative - a sign - is generally considered "speech" under the First Amendment of the United States Constitution and the California Constitution. Courts have ruled that issuance of sign permits or exceptions to regulations should not be based on subjective criteria, which provide "unfettered discretion" to decisionmakers and could potentially lead to allegations of favoritism toward certain speakers or discrimination on the basis of content. Sign ordinances may not favor commercial over non-commercial speech. Content-neutral ordinances, with objective standards in terms of time, place and manner of sign construction and display are recommended.

Staff recommendation: A significant number of the proposed modifications to the 1992 sign ordinance center on achieving content neutrality. Additional provisions allowing for message substitution, equitable sign area for institutional uses with those permitted for commercial and industrial uses and establishing explicit "compatibility factors" for sign review are also proposed to ensure a constitutionally defensible and enforceable sign ordinance.

Planning Commission Directive #2: Regulation of Billboards on City owned property

A total of 5 legal non-conforming static billboards (off-premises advertising structures) exist within the City of Oceanside as a result of a settlement agreement which was reached in 1998 between the City and various parties. One of the billboards is located along N. Coast Highway (south of Harbor Drive) and four are located along Highway 78. Billboards are subject to Federal and State regulations. State law preempts local jurisdictions from amortizing billboards or requiring their removal without just compensation.

Federal and State regulatory provisions: The Federal Highway Beautification Act of 1965 encourages scenic enhancement and control of outdoor advertising along interstate highways. The Act is enforced by state departments of transportation through agreements with the Federal Highway Administration (FHWA). California's agreements with FHWA convey regulatory control of all off-premise outdoor advertising signs, displays and devices within 660 feet of interstate rights-of-way, on commercial and industrial properties to the State (Caltrans).

The Outdoor Advertising Act (Business and Professions Code, Sections 5200 et seq.) and the California Code of Regulations, Title 4, Division 6 (Sections 2240 et seq.) sets forth the regulations for outdoor advertising and requires among other provisions the following:

- Design of advertising structures able to withstand a wind pressure of 20 pounds per square foot of exposed surface;
- No display on any advertising structure or sign, of any statement or words of obscene, indecent or immoral character;
- No display of red, or blinking or intermittent light, likely to be to be mistaken for a warning or danger signal;
- No illumination which could impair the vision of travelers on adjacent highways. (Illuminations are considered impairing when the brilliance exceeds the values set forth in Section 21466.5 of the Vehicle Code;
- No advertising display within 300 ft. from the point of intersection of highway or of highway and railroad right of way lines, however a sign may be placed on that side of the intercepted highway that is opposite to the point of interception;
- No placement of a sign in a manner that would prevent any traveler on any highway from obtaining a clear view of approaching vehicles for a distance of 500 ft.;
- Electronic billboards may not include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds;
- No electronic billboard may be placed within 1,000 feet from another electronic billboard on the same side of the highway.

Impacts of signage on visual environment: The placement and character of signage has historically been a contentious issue in many communities. Billboard signage in particular has been met with resistance since its first appearance in the late 19th century on aesthetic grounds. Arguments against billboards have had varying degrees of success in terms of restricting their proliferation. In an assessment of its billboard regulations, the City of San Jose notes that "Signs play a significant role in the visual environment of a city in that they are prominent structures that are typically deliberately, highly visible in the public realm." It is further noted that although on-site signs are ancillary to the businesses to which they are attached and help people understand what services, goods and amenities are available in their local neighborhoods, billboards are a separate business/use of the site and serve no or minimal way-finding purpose.

The City of Los Angeles' position toward billboards is similar to that of San Jose's. Reports issued on the subject matter indicate that digital display billboards in particular "tend to dominate the visual environment, especially at night." and "the city's visual environment suffers when digital displays are permitted without appropriate consideration of land use plans, zoning and neighborhood character".

Roadway safety: Signs positioned in proximity to roadways are intended to attract the attention of passerby traffic. This has raised questions of possible roadway safety and has triggered extensive research on the subject matter, dating as far back as the 1930s. In assessing this issue, staff found that available scientific reports and literature review of these studies provide contradictory results and vary in their conclusions; however, sufficient evidence exists in regard to potential driver distraction associated with digital billboards to warrant caution and case-by-case examination of such proposals.

Billboards on City-owned property: Staff has explored the appropriateness of allowing off-premises digital display signage on City-owned property, subject to a lease or contract agreement with private parties. Specific, viable city-owned properties for such use have not been identified at this time; however, should the City Council decide to proceed with this amendment, a request for proposals would be issued requesting evaluation of available sites by project applicants. California Environmental Quality Act (CEQA) review, to analyze potential land use impacts, would be conducted on a project by project basis, once location and specific signage design details become available.

At the Planning Commission workshop on January 23, 2012, Commissioners and members of the public expressed significant concerns over the potential addition of new billboards within the City. Negative impacts of digital display billboard signage on the visual environment and potential roadway safety issues were raised and extensively discussed. The Commission determined that any proposal for installation of digital display billboards on City owned property should only be accepted as a trade/exchange of existing static billboards. The Commission's position, against an increase of the total number of existing billboards was further underscored by their recommendation to replace static billboards at a rate of greater than one to one.

Staff recommendation: Based on the above facts - including the extent of Federal and State regulatory provisions applicable to billboards, and technical expertise required to ensure appropriate levels of illumination and traffic safety for digital display advertising - it is recommended that additional parameters based on location, design and operation of signs be developed and applied on a case-by-case basis to ensure high quality design solutions, roadway safety and land use compatibility of future sign with adjacent uses. It is also recommended that interactive media (including Bluetooth, Wi-Fi and SMS/MMS) message delivery not be allowed until such time that studies on the safety of employing such technology are available. Finally it is recommended that since placement of billboards on city controlled property provides the City an opportunity to restrict sign message content, that the Planning Commission recommend to the City Council careful consideration of this issue at the time of lease/contract negotiation.

Planning Commission Directive #3: Regulation of On-site Digital Display Signs

On-site signage is an essential component of the urban landscape and when properly designed can serve wayfinding functions and add to the appeal and character of commercial areas or neighborhoods. Conversely, signs can also have the opposite effect if allowed to proliferate without adequate control.

In recent years advances in sign display technology and decreases in cost have created a supportive business environment for digital signage nationwide which in turn has prompted many local governments to assess their impacts and has brought the controversial digital signage issue at the forefront of discussion in many communities. At digital signage debates, commercial interests generally emphasize the advantages of dynamic, easily–changeable images and modern displays, while scenic, environmental and historic preservationists protest on-site digital signs.

A survey of on-site digital sign regulations was undertaken by staff to gain insight into trends, challenges and best practices at other cities (Attachment 3). Staff found that a discretionary approval process in conjunction with development standards was established in 8 out of the 9 cities examined that allow digital display signage on private property. Staff also found that although the required discretionary approval process varied widely (district overlay, CUP, etc.) among cities, final consideration of digital signs was generally handled by appointed Committees/Commissions rather than staff and certain standardized requirements (number of signs, height, location etc.) were custom tailored by each City.

Staff Recommendation: Consistent with the findings of the survey which was conducted by staff, it is recommended that proposals for innovative or technologically advanced sign solutions (including digital display signage) on private property be subject to consideration as part of a Comprehensive Sign Package entitlement request by the Planning Commission and limited to commercial zones.

The proposed sign ordinance sets forth additional design parameters for digital signage to address land use compatibility issues as follows:

- Minimum site area: 3 acres comprised of either a single parcel or the aggregate of multiple contiguous parcels, under single or multiple ownerships.
- Site location: Within 150 ft. (max.) from I-5, SR76 or SR78.
- Sign standards: Development standards shall be as set forth in Article 33A, or as modified by the Planning Commission at the time of Comprehensive Sign Package program approval. Any deviations to applicable sign regulations must enhance the character of the development by addressing sign location, number, area, height, illumination and sign separation from less intense uses.
- Number of signs: One wall or freestanding digital display sign. (This sign shall be in lieu of an otherwise allowed freestanding sign).
- Hours of operation: 6:30 a.m. – 11:30 p.m.
- Separation from residential uses: 500 feet (min)
- Light intensity: No changes in light intensity (other than between day and night) shall be permitted.
- Message dwell time: 8 seconds (min).
- Message transition time: Instant message transition or a fading transition of no more than 1 second. At no time shall a digital display go blank during a transition.

- Brightness control: A sensor or other device shall automatically adjust the brightness of the digital display based on ambient lighting changes, in compliance with applicable State and local lighting standards.

Digital signs are not permitted within the Mission Historic District.

Approval of digital sign proposals will be subject to the following findings:

1. The proposed sign(s) conform with the criteria set forth in Article 33A;
2. The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;
3. The proposed sign(s) will not adversely impact traffic circulation in adjacent right- of-way or create a hazard to vehicular or pedestrian traffic; and
4. The proposed sign(s) will not have an adverse visual impact on adjoining land uses.

Planning Commission Directive #4: Sign Reduction Program

Mandatory Abatement Program: The 1992 sign ordinance contains amortization provisions for non-conforming signs. The intent of these provisions is to encourage and promote compliance of existing signs and eventual elimination of nonconforming signs. The useful and legal life of a legal non-conforming signs is set forth in Section 3307.D of the 1992 zoning ordinance at 15 years and is calculated from the date of adoption of the regulation making a sign non-conforming. The most recent amortization period for non-conforming signs was established in 1992 and expired in 2007. Limited availability of Code Enforcement staff resources has delayed initiation of abatement proceeding to remove non-conforming signs that are beyond their useful and legal life.

During the January 23, 2012, Planning Commission workshop, the idea of establishing a voluntary sign reduction program was raised by Commissioners. Staff's research on the subject led to review of the City of Los Angeles' sign district regulations which include provisions for a sign reduction program. This program provides for permanent reduction to the total square footage of signs permitted within a defined area when additional flexibility or customization of sign regulations are sought in order to enhance existing area characteristics or establish a sign theme.

Staff recommendation: Utilizing a voluntary sign reduction program could serve as a way to reduce excessive visual clutter within areas where flexibility in implementing sign provisions is desirable. Staff has included provisions in the revised 1992 draft sign ordinance, under the Comprehensive Sign Package regulations of Section 3307 A. 2, to facilitate high quality innovative design through technologically advanced sign solutions (inclusive of digital signs) in conjunction with a sign reduction program of legally permitted signs, in an effort to eliminate or reduce sign blight. The removal of unlawfully maintained signs or signs whose lawful rights are expiring would not constitute a sign reduction under this sign reduction program.

Planning Commission Directive #5: Digital Display Sign Kiosks

Article 33B of the proposed sign ordinance consolidates provisions for signage on City-owned property. Sign ordinance Section 3316 establishes regulations for a kiosk program which provides directional, event and community signage. During the January 23, 2012 workshop, the concept of incorporating digital display signage within the public right-of-way was discussed among Commissioners and suggested as an addition to proposed ordinance provisions.

Staff Recommendation: Pursuant to Planning Commission's direction, provisions for inclusion of pedestrian oriented digital signage displays have been added under Section 3316, Kiosk Program Signage. Consideration/approval of kiosk design and locations remain unmodified and is at the discretion of the Development Services Director or Economic and Community Development Director.

Planning Commission Directive #6: Prohibition of Feather Signs

Feather signs or feather banner signs are a recent advertising phenomenon. These signs are constructed of a flexible pole of varying height to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and is used for the primary purpose of advertising or attention-getting. In recent months such signs have saturated major business arterials within Oceanside contributing to visual clutter and sensory and information overload.

Staff Recommendation: On January 23, 2012, staff was directed by the Commission to include provisions in the draft sign ordinance to ban feather signs. Pursuant to this direction, appropriate text prohibiting feather signs was added under Section 3305.R of the proposed sign ordinance.

ENVIRONMENTAL DETERMINATION

Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Planning Division finds that the proposed project involves regulatory changes and would not, in and of itself, occasion land development or any other material change to the environment. Projects seeking to implement the amended provisions would be subject to separate CEQA review. More specifically, subsequent CEQA review will be required for signage proposals involving billboards on city owned property. Digital display signage on private property will be subject to discretionary entitlement review (Comprehensive Sign Package) and any required CEQA review with be completed in conjunction with specific project submittals. Therefore, in accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3), the proposed zoning text amendment does not have the potential for causing a significant effect on the environment and therefore is not subject to CEQA review

SUMMARY

The proposed revisions to the City's sign ordinances will ensure regulation of signs in a constitutional manner, and in the best interest of the City. Staff therefore recommends that the Planning Commission:

-- Adopt Planning Commission Resolution No 2012-P06 recommending approval of Zoning Amendment (ZA11-00004) and Local Coastal Program Amendment (LCPA11-00002) to the City Council with findings of approval attached herein.

PREPARED BY:

Amy Fousekis
Principal Planner

SUBMITTED BY:

Jerry Hittleman
City Planner

Attachments:

1. Planning Commission Resolution No. 2012-P06
2. Exhibit "A" – Proposed Zoning Ordinance Text Amendment
3. Summary Matrix of Digital Sign Standards

PLANNING COMMISSION
RESOLUTION NO. 2012-P06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING APPROVAL OF AMENDMENTS TO CITY SIGN ORDINANCE PROVISIONS AND ESTABLISHING THE AMENDED TEXT AS PART OF THE LOCAL COASTAL PROGRAM

APPLICATION NO:	ZA11-00004, LCPA11-00002
APPLICANT:	City of Oceanside
LOCATION:	Citywide

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, Article 33, of the 1986 Zoning Ordinance and Article 33 of the 1992 Zoning Ordinance set forth regulations for signage within certain portions of the City of Oceanside; and

WHEREAS, on December 8, 2008, the California Coastal Commission (CCC) established with the City of Oceanside that development including sign proposals in those portions of the Coastal Zone located outside of the Downtown Area (District "D") would be reviewed for consistency under the standards of the City's 1986 Zoning Ordinance, in light of the fact that the previously applicable 1992 Zoning Ordinance had never received CCC certification; and

WHEREAS, on May 11, 2009, the City acknowledged in correspondence to the CCC a legal obligation to use the 1986 Zoning Ordinance as the standard for review of development proposals within those portions of the Coastal Zone located outside of District "D"; and

WHEREAS, amendments to the 1986 and 1992 sign ordinance are necessary to ensure regulation of signs in a constitutional manner citywide; distinguish regulatory from proprietary sign regulations; establish parameters for emerging sign technologies (including digital display signs); and update or clarify existing definitions and regulations; and

WHEREAS, on January 23, 2012, a Planning Commission workshop was held to discuss potential sign ordinance amendments and solicit preliminary input from the Planning Commissioners and public at large; and

WHEREAS, the Planning Commission did, on the 13th day of February, 2012, conduct a duly advertised public hearing as prescribed by law to consider staff recommendations for zoning text amendments to the 1986 and 1992 Zoning Ordinances; and

WHEREAS, in accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3), the proposed project does not have the potential for causing a significant effect on the environment and therefore is not subject to CEQA review; and

WHEREAS, a Notice of Exemption was prepared by the Resource Office of the City of Oceanside for this project pursuant to the California Environmental Quality Act of the 1970 and State Guidelines;

WHEREAS, studies and investigations made by this Commission and on its behalf reveal the following facts pertaining to the proposed Zoning Text Amendments and Local Coastal Program Amendment:

1. The Zoning Text Amendments and Local Coastal Program Amendment, as proposed, conform to the City of Oceanside General Plan.
2. The Zoning Text Amendments and Local Coastal Program Amendment, as proposed, conform to the California Coastal Act.

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3. That the granting of the Zoning Text Amendments and Local Coastal Program Amendment is consistent with the purposes of the 1986 and 1992 Zoning Ordinance, as these amendments will facilitate sign regulation in a constitutional manner citywide and in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend approval of Zone Amendment (ZA11-00004) and Local Coastal Program Amendment (LCPA11-00002), amending Article 33 of the 1986 Zoning Ordinance and Article 33 of the 1992 Zoning Ordinance as represented in the attached Exhibit "A".

PASSED AND ADOPTED Resolution No. 2012-P06 on February 13, 2012 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

_____

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2012-P06.

Dated: February 13, 2012

Article 33A Signs

Sections:

3301 **Title,** Purposes and Intent
3302 **Basic Principles** ~~Definitions and Abbreviations~~
3303 **Definitions** ~~General Design Guidelines~~
3304 ~~Permitted Signs~~ Signs Allowable Subject to Sign Permit
3304~~5~~ **Prohibited Signs** ~~Permitted Signs~~
3305~~6~~ **General Sign Standards** ~~Procedures for Sign Approval~~
3306~~7~~ **Procedures for Sign Approval** ~~On-Site/Off-Site Residential Directional Signs~~
3307~~8~~ **Non-Conforming Signs** ~~Prohibited Signs~~
3309 Enforcement
3310 Severability

3301 Title, Purposes and Intent

~~It is the intent of this sign ordinance regulation to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing commercial/industrial districts, while at the same time providing channels of communication to the public. It also is the City's intent to regulate on the basis of characteristic and proportion of signage. The City finds that commercial signage constitutes the majority of existing signage and desires to limit such signage to on-site locations in order to keep proliferation of such signage to a more aesthetic proportion, while providing a channel of communication to advertise businesses. The City finds that it is in the interest of both aesthetics and traffic safety that sign information be kept to a minimum. It is the intent of this sign ordinance to enhance traffic safety by ensuring that signage does not distract, obstruct or otherwise impede traffic circulation. Proper sign control also safeguards and preserves the health, property, and public welfare of Oceanside residents through prohibiting, regulating, and controlling the design, location, and maintenance of signs. Signage that results in a traffic hazard may be abated through the nuisance abatement process set forth by statute.~~

~~Non-commercial signage is permitted wherever other signage is permitted within Article 33 and is subject to the same standards and total maximum allowances for a site of each sign type specified in this Article.~~

A. **Title. This Article may be known as the Sign Ordinance of the City of Oceanside, California.**

B. **Purposes. This Article establishes a comprehensive system for the regulations of signs, as defined herein, within the defined regulatory scope of this Article, in the City of Oceanside, California.**

C. Intent. By adopting this Article, the City intends to balance several competing interests, including: (1) to regulate signs in a constitutional manner, with rules that do not regulate protected noncommercial speech by content or favor commercial speech over noncommercial speech; (2) to provide adequate opportunity for persons to express themselves by displaying an image or message on a sign; (3) to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing commercial/industrial districts; (4) to minimize distraction, obstruction or other impediments to traffic circulation which would be caused by excessive or inappropriately placed signage; (5) to safeguard and preserve the health, property, and public welfare of Oceanside residents by regulating the physical design, location, and maintenance of signs; and (6) to provide a method for abatement of illegal and abandoned signs.

3302 **Basic Principles**

A. Authority. This Article is adopted pursuant to the California Constitution Article XI, Section 7; the City's Charter; and general and police powers, California Government Code Sections 65000 *et seq.*, 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 *et seq.*, 5230, and 5490 *et seq.*, 13530 *et seq.*, 13540, Penal Code 556 *et seq.*, and other applicable State laws.

B. Regulatory Scope. This Article regulates signs, as defined herein, which are located on or displayed from, private property located within corporate limits of the City, as well as signs located on public property owned by public agencies other than the City, its Redevelopment Agency and other affiliate entities, over which the City has land use regulatory authority. Signs on City property, as defined herein, are regulated by Article 33 B.

C. Owner's Consent. No sign may be displayed on private property without the consent of the property owner or person holding the present right of possession and control of the property.

D. Noncommercial Messages. There is no location criterion for noncommercial messages that are protected by the First Amendment to the U.S. Constitution and/or the corollary provisions of the California Constitution.

E. Message Substitution. Subject to the land owner's

consent, any constitutionally protected noncommercial message may be substituted for any duly permitted or allowed commercial message, or any duly permitted or allowed noncommercial message, provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting.

F. Compliance Required. Signs, as defined herein, may be displayed within the City only in compliance with the rules stated in this Article and all other applicable laws, rules and regulations and policies. When a permit is required, an application will be approved if it conforms to all applicable laws, rules regulations and policies. If the application does not comply, then it will be denied in a written decision which specifies all points of noncompliance. The decision on the sign permit application shall be rendered within 45 calendar days of when the application is complete and all applicable fees are paid. Applications will be processed according to the procedures stated in Section 3307 of this Article.

G. Permit Generally Required. Unless exempted from the sign permit requirement, all signs shall be installed or displayed only pursuant to a sign permit issued by the City.

H. Discretionary Approvals. Whenever a sign or a proposed sign is subject to any discretionary review, permit, or approval, such discretion may be exercised only as to the compatibility of the sign within its location, and other structural, architectural and locational factors. Discretion may not be exercised as to the artistic merit or graphic design elements of the proposed sign or the message itself so long as such message is not excluded from First Amendment (U.S. Constitution) protection under relevant court decisions.

I. Administrator Interpretations. All interpretations of this Article shall be exercised in light of message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Building Code, as adopted by the City of Oceanside, then the Planning Commission or City Planner, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Article.

J. Compatibility factors. In determining compatibility of a sign with its surrounding environment, the following criteria may be considered: (1) Style or character of existing improvements upon the site and properties adjacent to the site; (2) Visual elements such as construction materials, physical design details, and the number and spacing of signs in the area; (3) The sign's height, size and location, in relation to its proposed location and use; (5) Potential effect of the proposed sign on driver and pedestrian safety; (6) Potential blocking of view (whole or partial) of a structure or façade or public view of natural, historical or architectural significance; (7) Potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks; (8) Potential negative impact on visual quality of public spaces, including but not limited to recreation facilities, public squares, plazas, courtyards and the like; (9) Whether the sign structure will impose an aesthetically foreign or inharmonious element into the existing skyline or local viewscape.

K. Billboard Policy. New billboards, as defined herein, are prohibited. It is a fundamental land use policy of the City to completely prohibit the construction, erection or use of any and all billboards, other than those which legally exist in the City, for which a valid permit has been issued and has not expired, as of the date on which this chapter, or when a prior version of this chapter containing a provision to the same effect, was adopted. In adopting this chapter, the City Council affirmatively declares that it would have adopted this policy even if it were the only provision in this chapter. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This prohibition does not apply to agreements to relocate presently existing legal billboards as encouraged by State law including, but not limited to, Business and Professions Code Section 5412, as that section may be amended from time to time.

3303 **Definitions**

For purposes of this Article, the following definitions shall apply:

~~A.~~ ABANDONED SIGNS

A sign is **deemed** abandoned when for a period of 90 days or more, **any of the following conditions are met**: **1)** there is no sign copy appearing on the sign, or **2)** where the establishment with which the sign is associated has ceased operation, or **3)** where it is ~~relatively~~ clear that the sign has been forsaken or deserted. Any sign which is a conforming sign not in use, but which could be re-used in conjunction with the ownership or operation of a new business on a property, shall not fall under the definition of abandoned.

~~B.~~ ALTERATION

Any change of size, shape, illumination, position, location, construction or supporting structure of an existing sign.

~~C.~~ ANIMATED SIGN

A sign with action or motion, rotating, flashing or color changes, **not including sign elements that are** ~~excepting therefrom wind~~ actuated by wind or forced or accelerated air or gas, ~~elements~~ such as flags, banners, streamers, whirligigs or other similar devices. ~~, and public service signs such as time and temperature units~~. **Digital display (Electronic Message) signs that expose messages for 8 seconds or more and do not appear to be in motion nor change in intensity (other than between day and night) are not within this definition.**

~~D. BALLOON, INFLATABLE SIGNS, OR INFLATABLE ATTENTION-GETTING DEVICES~~

~~Any air or gas filled device located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purposes of signage, advertising, or attention-getting.~~

~~E.~~ BANNER

Any sign of lightweight fabric or similar material that is attached to a building or other structure, **and used for advertising and/or attention getting.** ~~erected for another purpose.~~ Flags~~, as defined in this Section, shall not be considered banners.~~ **are not within this definition.**

BILLBOARD

A permanent sign structure in a fixed location which meets any one or more of the following criteria: 1) It

is used for the display of off-site commercial messages; 2) it is used for general advertising; 3) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operators(s) of the sign; 4) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

~~F.~~ BUILDING COMPLEX

A building or group of buildings on one or more lots or building sites containing three or more separate businesses or industrial uses and sharing common parking facilities.

~~G.~~ BUILDING FACE

The outermost surface of any exterior wall of a building, but not including cornices, bay windows, balconies, or other architectural features which extend beyond the general outermost surface of such exterior wall.

~~H.~~ CANOPY SIGN

Any sign that is part of a projecting awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window or outdoor service area. ~~, or otherwise attached to a building face.~~

~~I.~~ CHANGEABLE COPY SIGN

A sign **on which it is possible to change the display copy by hand or with ordinary hand tools, or by electronic control.** ~~with changeable copy, regardless of the method of attachment or the materials of construction.~~

CITY PROPERTY

Any parcel of land that is owned or controlled by the City of Oceanside, or any of its related entities, or that is within the public right-of-way. Land and facilities over which the City holds the present right of possession and control are within this definition.

COMMERCIAL MASCOT

A person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when a

principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes "sign twirlers", "sign spinners", "sign clowns", "sign walkers", "human directional", and human "sandwich board" signs.

~~J.~~ COMMERCIAL SPEECH

Any message **which proposes a commercial transaction or primarily concerns the economic interests of the message sponsor and/or the viewing audience. Also known as "commercial message".**~~, the prevailing thrust of which is to propose a commercial transaction~~.

~~K. COMMERCIAL SIGNAGE~~

~~Any sign with wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.~~

CONSTRUCTION SITE SIGN

A sign that is displayed on the site of a construction development project during the period of time of actual construction.

~~L.~~ CORNER CLEAR ZONE

The area at a street corner inscribed by a line drawn between points established by measuring back 15 feet from the beginning of the curb radius along the curb line, or edge of pavement when there is no curb, and the face of the curb or edge of pavement.

COURTESY SIGN

A sign whose message provides functional information for the convenience of the public, such as hours of operation, open/closed, credit cards accepted, entrance and exit locations and restroom directions.

DIGITAL DISPLAY

"Digital display" means display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image.

DIRECTIONAL SIGN

A sign whose message provides directional information for drivers and pedestrians.

~~M.~~ DORMER

A structure located above the height of a wall projecting from a sloping roof that is enclosed on both sides and top, and does not project above the top of the roof structure.

~~N.~~ DWELLING UNIT

Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.

ELECTION PERIOD

That period of time which begins 30 days before a special, general, or primary election in which at least some registered voters in the City are eligible to vote, and ends 5 days after such election.

ELECTRONIC MESSAGE

A sign using electronic or digital technology, including but not limited to LED (light emitting diodes) or CCD (charge emitting diodes) or plasma, or their functional equivalent, which is capable of displaying, changing or changeable images.

~~O.~~ ENFORCEMENT OFFICER

Any City official or agent designated by the City Manager as having authority to enforce the provisions of this Article.

ESTABLISHMENT

Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the meaning of establishment, however, once a certificate of occupancy has been issued or once residency begins.

FEATHER BANNER

"Feather banner" or "feather banner sign" means a flexible pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

~~P.~~ FLAG

A **piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol. Well known symbols that are commonly placed on flags, when placed on a solid surface, such as a wall or door, are not within this definition**~~. device, generally made of flexible materials, usually cloth, paper or plastic, usually used as a symbol of a government, school, or religion, and not containing a commercial message~~.

~~Q.~~ FREESTANDING SIGN

~~Any sign supported by structures or supports that are placed on, or anchored in, the ground which are independent from any building or other structure. This definition may include pole signs, ground signs and monument signs~~. **A sign which is self supported by mounting on the ground, in contrast to being attached to and/or supported by some other structure, such as a wall, door or window. Common types include pole signs, ground signs and monument signs.**

GARAGE SALE SIGN

A sign whose message concerns short-term rummage, estate, boutique or garage sales of used or handmade common household items from a residential property.

GENERAL ADVERTISING

The enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or onsite advertising. Also known as "advertising for hire" or "general advertising for hire".

~~R.~~ GROUND SIGN

Any freestanding sign greater than 6 feet in height and supported wholly by uprights, braces, or poles in or upon the ground and where any supports or angle irons are enclosed in a wood, plastic, metal or other decorative form, such that the angle irons or supports are not visible. The entire bottom of a ground sign is generally in contact or in close proximity to the ground.

~~S.~~ HEIGHT

The height of any sign shall be the measurement **of the distance** from the top of the sign **structure** ~~cabinet~~, including all ornamentation and supports, to the existing grade beneath the sign.

HISTORIC MARKER

Signs or markers placed, approved or authorized by the City, State or Federal Government to be located on historic sites, points, or structures, or which describe directions to such from prominent visible locations within the public right-of-way.

~~T.~~ ILLEGAL SIGN

~~Any sign placed without all required government approval and/or permits at the time said sign was placed or is an existing sign which was not constructed in accordance with the ordinances and other applicable laws in effect on the date of construction, did not receive government approval or permits, or a legal nonconforming sign that has exceeded its authorized amortization period~~.

A sign that was installed without proper City or other approvals and/or permits at the time it was initially installed, and which has not been legalized by later action. This definition also includes a sign that was erected in conformance with all applicable laws, rules, and regulations in effect at the time of installation, but which was subsequently altered so as to be out of compliance with applicable law, including the terms of permits which authorized construction. All signs described in Business and Professions Code Section 5499.1 and defined therein as an "illegal on-premises advertising display" are also within this definition.

~~U.~~ ILLUMINATED SIGN

Any sign employing the use of lighting sources for the

purpose of decorating, outlining, accentuating or brightening the sign area. **This definition does not include signs lit only by ambient lighting.**

~~V. INCIDENTAL SIGN~~

~~A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking, "entrance", "loading only", "telephone" and other similar directives. A sign that also includes a commercial message is not considered incidental.~~

~~W.~~ INSTITUTIONAL

Uses whose primary function is furtherance of the public health, safety and welfare, generally, but not exclusively non-commercial in nature, including, but not limited to the following: hospitals and similar health care facilities, airports, cemeteries, recreational clubs and lodges, museums, theaters and similar cultural institutions, churches and similar religious institutions, detention facilities, fire and police stations, emergency shelters, marinas, parks and similar recreational facilities, schools and similar educational institutions, public utility facilities other than business offices.

INFLATABLE SIGNS AND ATTENTION GETTING DEVICES

Any advertising device which is filled or activated by air or gas and is located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purposes of signage, advertising, or attention-getting.

~~X.~~ LEGAL NON-CONFORMING SIGN

A sign which was legal when first erected, with all necessary permits, but due to a change in the law it became nonconforming.

~~Y.~~ LOT

Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

~~Z.~~ LOT FRONTAGE

Those portions of a lot or building site which abut a public street. For purposes of determining frontage on corner lots and through lots, all sides of a lot abutting a public street (excluding an alley) shall be considered frontage.

~~AA.~~ MARQUEE

A permanent roofed structure attached to and supported by the building and projecting beyond the building face.

~~BB.~~ MONUMENT SIGN

A freestanding sign not exceeding 6 feet in height which is supported by a base which extends the entire length of the sign area and is an integral part of the design.

~~CC.~~ MULTI-FACED SIGN

A sign with two or more sign faces where any two sign faces are oriented such that they have an interior angle of greater than 45 degrees from each other.

~~**DD. NON-COMMERCIAL SIGNAGE**~~

~~Any signage which is not determined to be commercial signage, as defined herein.~~

~~**EE**~~. NON-COMMERCIAL SPEECH

~~Any message which is not determined to be commercial speech as defined herein.~~ **A constitutionally protected message that is not commercial in nature and which presents debate or commentary on topics of public interest and concern, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. The onsite/off-site signage distinction does not apply to non-commercial messages or signs displaying them.**

~~FF~~. NON-STRUCTURAL TRIM

The molding, battens, caps, nailing strips, lattice, cutouts, or letters and walkways which are attached to the sign structure.

~~**GG. OBSCENE SIGNS**~~

~~Signage when taken as a whole, which to the average~~

~~person applying contemporary statewide standards, appeals to the prurient interest and as a whole depicts or describes in a patently offensive way sexual conduct which lacks serious literary, artistic, political or scientific value.~~

~~HH. OFF-SITE COMMERCIAL SIGNAGE~~

~~Signage that is not located on the site of the business, accommodations, services, or commercial activity served by the sign.~~

~~II.~~ ON-SITE COMMERCIAL SIGNAGE

A sign **that advertises the commercial business, accommodation, services or activities provided on the premises on which the sign is located, or expected to be provided in the near future. In the case of developments subject to a sign program, all establishments subject to the program are considered onsite whenever located within any area covered by the program. Similarly, all establishments within a shopping center are onsite as to any sign(s) also located within the shopping center. As to construction signs, "onsite" includes messages related to any and all parties involved in the specific construction project.** ~~advertising the business, accommodations, services or commercial activities provided on the site on which the sign is located.~~

~~JJ.~~ PERMANENT SIGN

A sign which is constructed of rigid material and is securely attached to a building, wall, fence, sign structure or into the ground, and is designed for and intended to be on display long term. All signs described in Business and Professions Code 54099.1(b) as "on-premises advertising displays" are within this definition.
~~Any legal sign designed or used in excess of 45 days.~~

~~KK.~~ PERMITTED SIGN

A sign which may be displayed only with a sign permit issued pursuant to this Article. Also called "signs subject to permit requirements".
~~Signs permitted pursuant to this Article.~~

~~LL.~~ POLE SIGN

A sign wholly supported by one or more poles and otherwise separated from the ground by air.

~~MM.~~ PROHIBITED SIGNS

A sign~~s~~ specified **within** ~~in Section 3304 of~~ this Article **as prohibited, or prohibited by other bodies of law.** ~~or any sign not specified in Section 3303 nor in compliance with the design criteria of this Article.~~

~~NN.~~ PROJECTING SIGN

A sign which projects more than 12 inches from the exterior face of a building wall or facade and which uses the building wall as its primary source of support.

~~OO.~~ PROJECT ENTRANCE SIGN

A permanent sign located near the entrance to a housing complex, mobile home park, condominium subdivision or other residential subdivision which was developed with a neighborhood name, or is operated under a community name.
~~An on-site sign used to identify the name of an apartment-housing complex, mobile home park, condominium subdivision or other residential subdivision.~~

PROTECTED

A message that is within the protection of the First Amendment of the United States constitution and/or corollary provisions of the California constitution, and has not been excluded from such protection by court decisions.

~~PP.~~ PUBLIC SERVICE SIGN

A non-commercial sign that provides general information that benefits the public, such as ~~electronic changeable~~ time and temperature ~~units~~.

~~QQ. REPAIR~~

~~The renewal of any part of an existing sign for the purpose of its maintenance.~~

~~RR.~~ ROOF SIGN

A sign erected upon or above a roof or a parapet of a building or structure, and not contained within a dormer.

~~SS.~~ SETBACK AREA

~~The setback area shall be~~ ~~t~~That area defined as the "required minimum yard" as specified by the Zoning Ordinance for each Zoning District, unless a specific setback is designated within this Article. **Also called "required setback".**

~~TT.~~ SIGN

The public display of a visual image, which is intended to be communicative, and which advertises, informs, projects, displays, or identifies persons, businesses, commodities, services, ideas or information, when such image is visible from any portion of the public right-of-way or from any exterior place which is open to the public. This definition includes, but is not limited to all writing, trademarks, graphic design elements, illustrations and lighting primarily directed at facilitating communication, as well as all supporting structures. Notwithstanding the generality of the foregoing, the following are not within the definition of sign: ~~Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, with the exception of the following~~.

~~TT~~.1 Such devices not exceeding one square foot in area and bearing only property numbers, post box number, names of occupants, or other similar identification on a site.

~~TT~~.2 **Flags as defined in Section 3303 of this Article.** ~~and other insignia of any government not displaying a commercial message.~~

~~TT~~.3 Legal notices, identification, informational or directional/traffic controlling devices erected or required by government agencies.

~~TT~~.4 Decorative or architectural features of buildings, ~~except letters~~, (**not including lettering or** trademarks or moving parts) **which do not perform a communicative function (examples include color stripes around an office building or retail store).**

~~TT~~.5 Holiday **and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for no more than 45 calendar days per year (cumulative, per dwelling unit) and which do not**

include commercial messages. ~~decorations and lights.~~

~~TT~~.6 Government traffic controlling devices are not considered signs for purposes of this Article due to their distinct purpose.

7. Aerial banners towed behind aircraft.

8. Automated teller Machines (ATMs, when not used for general advertising).

9. Cornerstones and foundation stones.

10. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter.

11. Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased.

12. Historical monuments, plaques and tablets.

13. Inflatable gymnasiums associated with legal residential uses - inflatable, temporary, moveable gymnasium devices commonly used for children's birthday parties, and similar devices (also called "party jumps" or "bounce houses"), including balloons.

14. Interior graphics - visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof.

15. California State Lottery signs, approved by the Lottery Commission for display by Lottery Game Retailers, in accordance with the California Government Code.

16. Manufacturer's marks - marks on tangible products, which identify the maker, seller, provider o product, and which customarily remain attached to the product even after sale.

17. Mass transit graphics - graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the City.

18. Searchlights used as part of a search and rescue or other emergency operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special

events).

19. Shopping carts, golf carts, horse drawn carriages, and similar devices (any self-propelled or motorized vehicle which may be legally operated upon a public right-of-way is not within this exclusion).

20. Symbols embedded in architecture - symbols of non-commercial organizations or concepts including but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary.

21. Vehicle and vessel insignia - on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel. All other vehicle signs on: 1)vehicles parked on public right-of-way are not permitted and 2) vehicles parked on private property will count toward the total allowable display area.

~~UU.~~SIGN AREA

The entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, through signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

~~VV.~~SIGN COPY

Any words, letters, numbers, figures, designs or other

symbolistic representation incorporated into a sign with the purpose of attracting attention to the subject matter.

~~WW.~~SIGN FACE

The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

~~XX.~~ SIGN STRUCTURE

Any structure that supports or is capable of supporting any sign as defined in this Section. A sign structure may be a single pole and may or may not be an integral part of the building.

~~YY.~~SITE

A lot; or group of contiguous lots, with or without development, in single ownership, or having multiple owners, all of whom join in an application for signage.

~~ZZ.~~STREET

A public or private highway, road or thoroughfare which affords the principal means of access to adjacent lots.

TEMPORARY MESSAGE

A message that pertains exclusively to a special event which occurs on, or ends on, a particular day.

~~AAA.~~TEMPORARY SIGN

A sign that is constructed of lightweight or flimsy material, and is easily installed and removed using ordinary hand tools. Any sign that qualifies as a "structure" under the Building Code is not within this definition.
~~Any sign that is displayed for a limited period of time as defined in this Article.~~

~~BBB.~~ WALL SIGN

Any sign attached to, erected against, or painted or inscribed upon the wall of a building or structure, with the exposed face of the sign on a plane parallel to the plane of said wall and not located above the roof line, parapet or facade (except when enclosed within a dormer), which does not project more than 12 inches from the building wall.

~~CCC.~~ WINDOW SIGN

Any sign or combination of signs in excess of four (4) square feet, displayed on or behind a window or similar opening in wall.

33034 ~~***PERMITTED SIGNS***~~ SIGNS ALLOWABLE SUBJECT TO SIGN PERMIT

Signs are permitted under the various use classifications or locations as specified in A through **F** ~~I~~ of this Section 330**4**~~3~~.

A. INDUSTRIAL, **INSTITUTIONAL** OR COMMERCIAL USE - PERMANENT SIGNS

The following types of signs may be mounted, erected, installed and displayed on commercial, institutional and industrial uses, subject to a sign permit and the rules stated in this section. All commercial messages shall be onsite only.
~~The following types of signs are permitted for commercial and industrial uses in order to provide a wide range of options for advertisement, identification, and non-commercial, or other messages. Commercial and/or non-commercial signage is allowed on-site of a commercial or industrial use. The total area of commercial plus non-commercial signage shall not exceed the maximum allowable area for signage for the commercial or industrial site. All commercial signage shall relate to on-site advertising, identification or activities. Non-commercial signage need not relate to on-site identification or activities but shall otherwise meet the general and specific design standards and the requirements of this Article~~.

~~A.~~1 FREESTANDING SIGN

~~A f~~**F**reestanding sign **types include** ~~may be a~~ pole sign**s**, ground sign**s** or monument sign**s**.

~~A.1.a.~~ POLE OR GROUND SIGNS

A pole or a ground sign may be permitted if all of the following design standards are met in addition to the General Design Standards contained in Section 330~~5~~**6**:

~~A.1.a(1)~~ Frontage Requirement:

The site shall have a street frontage of at least 200 feet.

~~A.1.a(2)~~ Number of Allowed Signs:

~~A.1.a(2)(a)~~ The identification of a single use not located within a building complex will be limited to one freestanding pole or ground sign.

~~A.1.a(2)(b)~~ The identification of uses located within a building complex will be limited to one freestanding pole or ground sign per each 1000 feet of street frontage provided that complexes with multiple street frontages may be allowed one secondary ground sign with a maximum height of 15 feet provided the total allowable sign area is not exceeded. No individual use located within a building complex will be permitted to have its own freestanding pole or ground sign.

~~A.1.a(3)~~ Sign Area: The total sign area of all freestanding pole or ground signs for a single building or a building complex shall not exceed the following:

Total Building(s) **Area** ~~Square Footage~~	Total Sign Area ~~Allowance~~
0-10,000 sq.ft.	50 sq.ft.
10,001-20,000 sq.ft.	100 sq.ft.
20,001- 50,000 sq.ft.	150 sq.ft.
50,001- 100,000 sq.ft.	200 sq.ft.
100,001- 200,000 sq.ft.	250 sq.ft.
Over 200,000 sq.ft.	300 sq.ft. max~~imum~~

A.1.a(4) Sign Height: The height of a freestanding pole or ground sign shall not exceed the following standards:

Total Building(s) **Area** ~~Square Footage~~	Total Sign Height ~~Allowance~~
0-20,000 sq.ft.	20 feet
20,001 - 75,000 sq.ft.	25 feet
Over 75,000 sq.ft.	30 feet max~~imum~~

~~A.1.a(5)~~ Location: Freestanding pole or ground signs shall not be placed ~~on any public property or~~ within a corner clear zone and shall be located so as to not create a pedestrian or traffic hazard.

~~A.1.a(6)~~ ~~Proposed Building: The freestanding pole/ground sign standards may apply to~~

~~proposed building dimensions during construction of a site.~~

~~A.1.b~~ MONUMENT SIGNS

Freestanding monument signs may be permitted subject to following design standards in addition to the General Design Standards in Section 330~~5~~**6**:

~~A.1.b(1)~~ Building Complexes: Limited to one monument sign per each 250 feet of street frontage.

~~A.1.b(2)~~ Single Use: Limited to one monument sign.

~~A.1.b(3)~~ Frontage Requirement: Street frontage on a site where a monument sign is located must be at least 100 feet.

~~A.1.b(4)~~ Sign Area: The sign area of a monument sign shall not exceed the following standards:

Building **Area** ~~Square Footage~~	Sign Area ~~Allowance~~
0-10,000 sq.ft.	40 sq.ft.
10,001-25,000 sq.ft.	50 sq.ft.
Over 25,000 sq.ft.	60 sq.ft. maximum

For the purposes of computing the area of a monument sign and to encourage better design, a border or frame shall not be counted as sign area provided such border or frame does not exceed an additional 25% of the sign area.

~~A.1.b(5)~~ Sign Height: No monument sign including a frame, border or base shall exceed six (6) feet in height as measured from existing grade.

~~A.1.b(6)~~ Sign Location: A minimum distance of 100 feet must be maintained between monument signs. Monument signs shall be placed within a landscaped area. The sign shall not be placed ~~upon any public property or~~ within a corner clear zone, and shall be located as to not create a pedestrian or traffic hazard.

~~A.1.b(7)~~ Sign Structure: The base of a monument sign shall be designed to be an integral part of the sign design, not merely a support. The base of a monument sign shall be solid.

~~A.2.~~ WALL SIGNS

Wall signs are intended to be the primary signage for most uses. The following specific design standards shall apply in addition to the General Design Standards in Section 330~~5~~6:

~~A.2.a~~ Sign Area:~~.~~ The maximum size of a wall sign, including a logo, shall be two (2) square feet of sign area for each lineal foot of building frontage. Frontage is computed on an individual basis in multi-tenant buildings. Building frontage shall be measured along that side of the building for which the sign is proposed.

~~A.2.b~~ Sign Length:~~.~~

~~A.2.b(1)~~ Front Wall Signs - The length of the sign may be up to 70 percent of the building frontage, to a maximum of 50 feet.

~~A.2.b(2)~~ Side and Rear Wall Signs - The length of the sign may be up to 50% of the building frontage, to a maximum of 30 feet.

~~A.2.c.~~ Sign Copy - Letter height for wall signs shall be as follows:

Building Frontage Width	~~Maximum~~ Letter Height
0-20 feet	18 inches
21-40 feet	24 inches
41-60 feet	30 inches
61-80 feet	36 inches
81-100 feet	42 inches
Over 100 feet	48 inches max~~imum~~

Wall signs shall be limited to a maximum of two (2) lines of copy. The maximum letter height and/or sign face height shall be measured as the combination of both lines of copy, including the space between, or the distance between the top of the sign face and the bottom of the sign face.

~~A.2.d~~ Location:~~.~~ The top of the sign shall not project above the intersection of the wall and roof or parapet line. Wall signs shall be limited to two sides of a building.

~~A.~~3 PROJECTING SIGNS

~~A.3.a~~ Projecting signs shall not extend over the public right-of-way unless an encroachment permit is obtained from the City.

~~A.3.b~~ **Sign Area:** A projecting sign shall not exceed 30 square feet.

~~A.3.c~~ **Number of Allowed Signs:** Only one sign per use is allowed and shall only be allowed if the wall it is projecting from does not have any wall signs. (Exception: If a canopy is over the entrance to a use, a projecting sign may be allowed under the canopy at each entrance provided such sign does not exceed eight (8) square feet and the total projecting signage for the use does not exceed 30 square feet).

~~A.3.d~~ **Sign Clearance:** The bottom of any projecting sign shall be at least eight feet above the walkway.

~~A.~~4 CANOPY SIGNS

Any signage on a canopy shall be included in the total allowable wall sign area for that use and must meet the sign area, length and copy standards for wall signs.

~~A.~~5 WINDOW SIGNS

No more than 20 percent of the total window area for any one side of a building shall be used for permanent or temporary sign display.

~~A.~~6 **DIRECTIONAL** ~~INCIDENTAL~~ SIGNS

Directional ~~Incidental~~ signs shall be no more than three feet high and three square feet.

~~A.~~7 A-FRAME AND OTHER PORTABLE SIGNS

A-frame and other portable signs shall be allowed to be erected and maintained subject to ~~the following regulations:~~

~~A.7.a~~ ~~All signs must meet~~ the standards of the "A-Frame and Portable Design Guidelines".

B. RESIDENTIAL USE

Signage for residential uses is allowed, ~~(except off-site commercial signage and other signage~~ **unless** specifically

prohibited by this ordinance,~~.~~ if complying with the following standards:

~~B.1 SINGLE FAMILY LOT SIGNAGE~~ SIGNS ON SINGLE AND MULTI-FAMILY RESIDENCES

Single family residential units may display signs as stated in this subsection, subject to the rules stated in this subsection. Such signs may be displayed without permits, unless the sign qualifies as a structure under the Building Code, in which case all building and other safety code rules apply.

Sign Area: At all times, the total display area of all signs shall not exceed 6 square feet; in the case of freestanding signs, area shall be measured on all sides and shall count separately. However, during the pre-election period, this allowable display area may be increased by 6 square feet.

Height: Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.

Number of signs: Not limited

Location: Not on public property or public right-of-way, or mounted on trees or vegetation.

Message types: Any protected non-commercial, real estate signs, garage sale signs. All other commercial messages are prohibited.

~~3303.B.1.a Total sign area shall not exceed 6 square feet per lot.~~

~~3303.B.1.b Maximum total number of separate signs per lot is 2.~~

~~3303.B.1.c Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.~~

~~3303.B.2 MULTI-FAMILY LOT SIGNAGE~~

~~3303.B.2.a Total sign area shall not exceed 2 square feet per dwelling unit with an allowable combined site maximum of 32 square feet.~~

~~3303.B.2.b There shall be no more than two (2) signs having a sign area greater than two (2) square feet.~~

~~3303.B.2.c Signs shall not be located on public property and shall not create a traffic or pedestrian hazard. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction.~~

~~3303.B.2.d Incidental Signs may be placed on-site of a multi-family residential use. Incidental signs shall be no more than three feet high and three square feet (square footage is in addition to allowances under b. herein.) The signs shall be permanently placed on site.~~

~~B.3~~2 PROJECT ENTRANCE SIGNS

New housing developments may display signs as authorized by this subsection, subject to the rules stated in this subsection.

The signs authorized by this subsection are in addition to those authorized for individual dwelling units.

Number of Signs Allowed: Two signs per each main vehicular traffic entrance. The signs must be placed within a maintained landscaped area within an acceptable easement or open space lot authorized for signage.

Location: Near the main entrance to the project, on private land. The signs must be placed at the main street intersection of the major entrances to the project in such a location as to not obstruct sight distance. Signs may not be located within a public right-of-way. Signs located in the corner clear zone shall not exceed 30 inches in height, nor create a traffic sight obstruction or other pedestrian or traffic hazard.

Size and Height: Thirty-two square feet (per side); four feet high.

~~Such signs may be installed at the entrance of a project subject to the following limitations:~~

~~3303.B.3.a This signage is allowed in addition to the sign area allowed in 3303.B.1 & 3303.B.2 above.~~

~~3303.B.3.b Two signs are allowed per site entrance, each sign not to exceed 32 square feet and 4 feet~~

~~high.~~

~~**3303.B.3.c** The signs must be designed as an integral part of a wall or fence or as a monument sign.~~

~~**3303.B.3.d** The signs must be placed within a maintained landscaped area and within an acceptable easement or open space lot authorized for signage.~~

~~**3303.B.3.e** The signs must be placed at the main street intersection of the major entrances to the project in such a location as to not obstruct sight distance. Signs may not be located within a public right-of-way. Signs located in the corner clear zone shall not exceed 30 inches in height, nor create a traffic sight obstruction or other pedestrian or traffic hazard.~~

C. ~~INSTITUTIONAL,~~ AGRICULTURAL~~,~~ OR OPEN SPACE USES

The following signs are allowed:

~~C.~~1. WALL SIGNS

Wall sign area shall not exceed forty (40) square feet.

~~C.~~2. MONUMENT SIGNS

Monument signs shall be not exceed forty (40) square feet, ~~n~~or six (6) feet in height. Monument signs shall be placed within a landscaped area.

D. TEMPORARY SIGNAGE

~~D.~~1 PRIVATE PROPERTY
The signs authorized by this section are in addition to the maximum allowable signage which is otherwise allowed for signage on a site or residential lot.

Height: Maximum height for freestanding temporary signs is 5 feet.

Number of signs: Unless otherwise stated, the maximum number of separate temporary signs is 4 for commercial, institutional or industrial uses, and 2 for residential, agricultural or open space uses.

Location: Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction hazard. Temporary signs shall not be posted

on any tree, bush or other vegetation.

No offsite commercial messages: Temporary signage may not be used to display offsite commercial messages, or to be used for general advertising for hire.

~~D.1.a~~ TIME PERIOD.

~~D.1.a(1)~~ Commercial, **Institutional** or Industrial Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year ~~of~~ from one (1) to fifteen (15) days each period, per use. For building complexes, the combined number of temporary sign display periods shall not exceed five (5) per calendar year. Temporary sign display time periods may be combined consecutively on a site to allow for a total of up to 45 consecutive days of temporary sign display (up to 75 consecutive days for building complexes).

~~D.1.a(2)~~ Residential, Agricultural, Open Space, ~~or Institutional~~ Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year from one (1) to fifteen (15) days each period, per each lot. Temporary sign display time periods may be combined consecutively on a lot to allow for a total of up to 45 consecutive days of temporary sign display.

~~D.1.a(3) All Uses~~ - **Temporary Signs Displaying Protected Noncommercial Speech.**

Temporary signage used to display protected noncommercial speech is allowed at all times, however the sum of commercial and noncommercial speech temporary sign display area(s) at any given point shall not exceed the maximum area permitted. During the election period, temporary noncommercial display area allowances may be increased to permit an unlimited number of signs. Sign area is limited to 16 square feet per sign for commercial and industrial uses, and 6 square feet per sign for residential, institutional, agricultural, or open space uses.

~~Up to thirty days prior, and ten days after any local, state, regional, or national official election temporary signage is allowed in addition to and without limitation of 3303 D.1.a. (1) and (2) and 3303.D.1.c (1) and (2). Sign area is limited to 16 square feet per sign for commercial and industrial uses, and 6 square feet per sign for residential, institutional, agricultural, or open space uses. The number of signs during this~~

~~time period is not limited. Such signage may carry any form of non-commercial signage, consistent with this Article.~~

~~D.1.b~~ EXCEEDING TIME ALLOWANCE. If the duration of temporary sign display **of commercial messages** exceeds the **applicable** maximum time period **for temporary signs, then** ~~allowed in (1) above,~~ the sign **shall be deemed permanent and the area thereof** ~~is not considered a temporary sign. Such signage~~ shall be counted against the allowable area for permanent signage for the site or lot. A sign installation permit must be obtained or the sign must be removed.

~~D.1.c~~ SIGN AREA.

~~D.1.c(1)~~ Commercial, **Institutional** or Industrial Uses. The maximum allowable temporary sign area for a site, per time period, is the same as the allowable wall sign area. For the purposes of temporary sign area computation, the area of pennants, flags, streamers, whirligigs, and similar attention-getting devices not displaying written messages shall not be included.

~~D.1.c(2)~~ Residential, Agricultural, Open Space ~~or Institutional~~ Uses. The maximum allowable temporary sign area is six (6) square feet.

~~3303.D.1.d ALLOWANCE ABOVE PERMANENT SIGNAGE MAXIMUM. The area of temporary signage allowed herein is in addition to the maximum allowable sign area for permanent signage on a site or residential lot.~~

~~D.1.e HEIGHT. Maximum height for freestanding temporary signs is 5 feet.~~

~~D.1.f~~ NUMBER OF SIGNS~~. Unless otherwise stated in 3303.D.1.a(3), the maximum number of separate temporary signs is 4 for commercial or industrial uses, and 2 for residential, agricultural~~, open space~~, or institutional uses, provided that the combined area of all signs may not exceed the maximum allowed in "c" herein~~.

~~D.1.g SETBACK. Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or~~

~~pedestrian hazard.~~

~~D.1.h~~ OWNER PERMISSION. Permission of the owner of the premises on which the signage is located is required.

~~D.1.i~~ ~~ON-SITE PLACEMENT. Temporary commercial signage, consistent with other provisions in this article, shall only be located on the site of the business or entity to which it relates, if of a commercial nature.~~

~~D.1.j~~ ~~POSTING ON VEGETATION. No temporary sign shall be posted on any tree, bush or other vegetation.~~

~~D.1.k~~ BALLOONS, INFLATABLE SIGNS OR INFLATABLE ATTENTION GETTING DEVICES. In addition to the temporary signage permitted above, balloons or inflatable signs or devices shall be permitted subject to the following restrictions for ~~commercial~~ usage:

~~3303.D.1.k(1)~~ Such devices shall be allowed one time in the life of **an establishment at a given location** ~~business~~ for a period of not more than 15 calendar days. Only one balloon or inflatable sign/device is permitted per **establishment** ~~business~~.

~~3303.D.1.k(2)~~ All requirements of the "Balloons and Inflatable Signs or Attention Getting Device Guidelines" shall be met.

~~3303.D.1.k(3)~~ Prior to use, all inflatable signs shall obtain a permit from the **City Planner** ~~Planning Director~~ and Enforcement Officer. Permit requirements include submittal, review and approval of an application and payment of required fees. An application fee of $100 and a deposit of $400 are required for each application. **Applications that satisfy all applicable laws, rules, regulations, policies and guidelines shall be approved.**

~~3303.D.1.l~~ COST RECOVERY. Whenever the **City** ~~Enforcement Officer~~ causes the removal of a temporary sign, **for violation of applicable laws, rules etc., t**he cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager or designee is authorized to take such action as may

be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.

~~**3303.D.2 PRIVATE PLACEMENT ON RIGHT-OF-WAY**~~

~~**3303.D.2.a** TIME PERIOD. Temporary noncommercial signs may be displayed up to thirty days prior and five days after any official local, state, regional, or national authorized election. Such signage may carry any form of noncommercial message, consistent with this Article.~~

~~**3303.D.2.b** SIGN AREA. The maximum allowable sign area is 6 square feet per sign.~~

~~**3303.D.2.c** HEIGHT. Maximum height of freestanding signs is 5 feet.~~

~~**3303.D.2.d** POSTING ON STRUCTURES. All signage within the public right-of-way shall be self-supporting and freestanding. No temporary sign shall be posted on any streetlight, utility pole, post, pole, or structure supporting a traffic-control sign or signal, fire hydrant, or similar structures in the public right-of-way.~~

~~**3303.D.2.e** SAFETY OF PLACEMENT. Temporary signs posted in the public right-of-way shall meet the following criteria:~~

~~**3303.D.2.e(1)** When located in the Corner Clear Zone, the sign shall not exceed 30 inches in height.~~

~~**3303.D.2.e(2)** Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs, or signals, or otherwise represent a hazard to vehicular or pedestrian traffic.~~

~~**3303.D.2.e(3)** Signs shall not impede a pedestrian's free use of the sidewalk.~~

~~**3303.D.2.e(4)** Signs shall be securely affixed to the property on which they are placed.~~

~~**3303.D.2.e(5)** Signs shall not be placed in the center of public roadway medians.~~

~~**3303.D.2.f** APPLICATION REQUIREMENTS. Prior to~~

~~posting any temporary sign on the right-of-way, the private party responsible for the posting and maintenance of such signs, hereinafter referred to as "responsible party," shall provide the following information to the Enforcement Officer:~~

~~**3303.D.2.f(1)** Application. An application shall be filed with the Building Department by the "responsible party". This application shall be in a form and content as required by the Enforcement Officer. This application shall minimally include the following information:~~

~~**3303.D.2.f(1)(a)** Identification Information. A description of the signs sufficient to allow the Enforcement Officer to identify the responsible party for the purposes of enforcement.~~

~~**3303.D.2.f(1)(b)** Name, address, and telephone number of the responsible party.~~

~~**3303.D.2.f(1)(c)** The erection and removal dates for the signs.~~

~~**3303.D.2.f(2)** Deposit - A $250 deposit per application is required. The deposit is refundable. Costs of enforcement, if required, may be deducted from the deposit prior to refund.~~

~~**3303.D.2.f(3)** No permit nor deposit is required for the posting of temporary signs on public property by the City of Oceanside.~~

~~**3303.D.2.g** SIGN REMOVAL Temporary signs shall be removed from the public right-of-way not later than the removal date indicated in the application.~~

~~**3303.D.2.h** COST RECOVERY. Whenever the Enforcement Officer causes the removal of a temporary sign, the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.~~

~~**3303.E. PUBLIC PROPERTY**~~

~~**3303.E.1 PRIVATE PLACEMENT**~~

~~Due to the effects of weather elements, traffic distractions, visible blight and aesthetic concerns, the public may place only the following signs on public property:~~

~~**3303.E.1.a** Kiosk signs are subject to the restrictions below.~~

~~**3303.E.1.b** Temporary, non-commercial signs, subject to the restrictions under "temporary" signs within this Article.~~

~~**3303.E.2 PICKET SIGNS**~~

~~The personal carrying of signs or "picketing" is allowed on public property, except in the roadway due to traffic safety concerns, so long as it is done in such a manner not to interfere with the public's ingress or egress or free use of sidewalks or public right-of-way.~~

~~**3303.E.3 GOVERNMENT SIGNAGE**~~

~~Just as commercial, non-commercial and residential owners are allowed the right to provide signage on their property related to their need for expression, so too is the government allowed the right to signage on its (public) property with the following standards:~~

~~**3303.E.3.a** GOVERNMENT OWNED SIGNAGE. Permanent signage owned in full or in part by the government related to the conduct of governmental business shall not exceed that allowed for commercial or industrial uses.~~

~~**3303.E.3.b** KIOSK PROGRAM. This Section provides for directional signage within the public right-of-way within an approved kiosk under the City's Kiosk program. It is intended to permit government owned off-site directional signs necessary to serve the community for purposes of order, direction and safety. In order to avoid adverse effects on the aesthetics of the City, to minimize traffic safety issues and to prevent a proliferation of such signs, regulations for the location, standards, number of such signs, and their approval and removal are included in this Section.~~

~~**3303.E.3.b(1)** Sign Standards and Structural Requirements. All kiosk displays shall substantially comply with the sign design standards, program guidelines, and structural requirements. The Enforcement Officer shall~~

~~review all such displays to ensure their compliance with those standards and requirements.~~

~~**3303.E.3.b(2)** Kiosk Program for Commercial and Non-Commercial Signs.~~

~~**3303.E.3.b(2)(a)** The Building Director or its agent shall establish kiosk displays and approve the location and construction of such displays in various strategic locations throughout the City. Such design and location discretion shall only be made with due consideration to aesthetic appearance, cost, readability, traffic and public safety concerns.~~

~~**3303.E.3.b(2)(b)** An applicant may apply for signage to be placed within one or more kiosk displays designated by the Building Director. All applicants shall be subject to the rules, regulations and requirements placed on such signage consistent with the provisions of this Article and the City's kiosk program guidelines.~~

~~**3303.E.3.b(2)(c)** One kiosk design shall be utilized throughout the City and shall be on file in the Building Department. The height and design of all kiosk displays shall be subject to approval of the City in accordance with the kiosk program guidelines.~~

~~**3303.E.3.b(2)(d)** Kiosks shall be in the public right-of-way.~~

~~**3303.E.3.b(2)(e)** Each kiosk shall have "Oceanside" and the City logo displayed in a prominent location on the sign.~~

~~**3303.E.3.b(2)(f)** No more than eight kiosk sign panels for any person or entity is allowed within the City. A kiosk sign display shall not be duplicated on an individual kiosk. A double-sided message display shall be considered one kiosk sign display for the purposes of this Article.~~

~~**3303.E.3.b(2)(g)** There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved.~~

~~3303.E.3.b(2)(h)~~ ~~Any sign placed contrary to the provisions of this ordinance may be removed by the Enforcement Officer without prior notice. Non-compliance or kiosks improperly maintained shall be subject to the enforcement provisions provided in this Article and/or the Oceanside City Code.~~

~~3303.F SIGNS WITHIN THE SMALL CRAFT HARBOR AREA~~

~~In addition to the sign regulations elsewhere in this Article, the following regulations shall also apply in the Oceanside Small Craft Harbor:~~

~~3303.F.1 GOVERNMENT SIGNAGE/ SURFACE STREETS APPROACHING THE HARBOR.~~

~~Surface street approach signs should be of a distinctive character for designation of the Harbor location. These signs shall be visible day and night and located at key points within the public right-of-way of streets leading to the Harbor, with all turns clearly indicated in advance.~~

~~1. FREESTANDING SIGNS~~
~~3303.F.2. POLE OR GROUND SIGNS.~~

~~3303.F.2.a Major. A major pole or a ground sign shall be allowed at the two major entryways to the Harbor. The sign shall be designed to denote "Oceanside Harbor" with the appropriate directional signage. Signage of uses within the harbor area may be displayed on separate lighted panels. Non-commercial messages may also be displayed.~~

~~3303.F.2.b Minor. Minor pole or ground signs shall be allowed at major intersections within the harbor. These signs shall be a variation of the sign design proposed for the major entryways to the Harbor. The use of a modular replaceable-unit or a translucent panel system with internal lighting, and a highly visible typeface, is recommended for these locations. Non-commercial messages may also be displayed.~~

~~3303.F.2.c Typeface. A limited number of typefaces for major and minor pole signs are available for the various panels. Proprietary or specialized typefaces which have been consistently utilized by a "chain" and are compatible (i.e., legibility, scale, color) with the others in the sign, may also be~~

~~displayed.~~

~~**3303.F.2.d** Maximum height of a minor pole or ground sign is 14 feet.~~

~~**3303.F.3** SITE SIGNS.~~

~~Site signs shall display information in a coordination of design in effort to create a more cohesive and pleasing atmosphere. Site signs shall fall within the categories of monument signs, wall signs and incidental signs.~~

~~**3303.F.3.a** Monument Signs~~

~~**3303.F.3.a(1)** Location. Signs shall be located at the outer face of leasehold or near the street front property line or vehicular entrance to leasehold. Sign~~s~~ must be located and oriented to avoid interference with vehicle driver's safe line of sight.~~

~~**3303.F.3.a(2)** Maximum Quantity. One (1) per business entity at street frontage or entrance driveway.~~

~~**3303.F.3.a(3)** Size. Maximum panel size is six (6) square feet. Maximum height is six (6) feet.~~

~~**3303.F.3.a(4)** Materials. Limited to wood or acceptable metals or plastics.~~

~~**3303.F.3.b** Wall Signs.~~

~~**3303.F.3.b(1)** Location. Signs shall be located on building façade or on site adjacent to entry of building. Wall signs shall not be placed on roofs or windows.~~

~~**3303.F.3.b(2)** Maximum Quantity. One (1) per independent business entity on each street frontage and/or water frontage façade.~~

~~**3303.F.3.b(3)** Size. Size and quantity must be compatible with scale of structure, but in no case can it exceed 12 square feet of panel size in one elevation (building face) or 24 square feet on all elevations (building face).~~

~~**3303.F.3.b(4)** Materials. Limited to wood or acceptable metals or plastics.~~

~~**3303.F.3.c** Incidental Signs.~~

~~3303.F.3.c(1) Location. Signs may be located anywhere within a leased parcel.~~

~~3303.F.3.c(2) Maximum Quantity. Number of signs per leased parcel shall be as needed for directional and informational signage.~~

~~3303.F.3.c(3) Size. Maximum of four (4) square feet for each panel size and a total of 24 square feet for all incidental signage on a lease parcel.~~

~~3303.F.3.c(4) Materials. Limited to wood or acceptable metals or plastics.~~

~~3303.F.4 GENERAL DESIGN STANDARDS FOR ALL SITE SIGNS.~~

~~All site signs shall conform to the following design standards:~~

~~3303.F.4.a Extensive use of wood in both sign panel and support structure is desired.~~

~~3303.F.4.b A maximum of two typefaces acceptable to the Harbor District shall be used on all signs within a lease parcel.~~

~~3303.F.4.c Display light sources should be screened from autos, boats and pedestrians. No internal lighting is permitted.~~

~~3303.F.4.d Temporary display banners and flags require approval by the Harbor Director as to size and location.~~

~~3303.F.4.e Boat sale displays should have consistent sign sizes and typography within a single parcel, and "false sail" signs in sailboat rigging should be in conformance with these regulations. (See Boat Sign Ordinance 72-5.)~~

~~3303.F.4.f No more than 20 percent of the total window area for any one side shall be used for permanent or temporary sign display.~~

~~3303.F.4.g Temporary signs affixed to trailers or boat cradles are discouraged.~~

~~3303.F.4.h Where multiple uses are located within the same parcel, signs should be of similar materials and proportions, consistently located and lighted, and of not more than two typeface styles~~

~~(except for compatible regionally or nationally recognized "chain" logo/type-faces").~~

~~3303.F.4.i No lighted sign will be allowed that creates a confusing background for Harbor night entry.~~

~~3303.F.5~~ ~~APPROVAL REQUIREMENTS.~~

~~Upon application, all signage shall receive a permit if the signage is in compliance with all provisions of this Article for general signage and Harbor District signage. All signs (except for incidental signs without electricity or temporary signs) must have a permit from the City of Oceanside Building Department prior to installation.~~

~~3303.G~~E. SIGNS WITHIN THE ~~REDEVELOPMENT~~ Downtown "D" District ~~AREA~~

In addition to the sign regulations elsewhere in this Article, **regulations stated in this section** ~~the following regulations~~ shall also apply in the "D" District ~~Redevelopment Area.~~: The height, width, depth, colors and design features, including lighting and structural support of **all exterior signs** ~~each and all signs to be erected outside of buildings or attached to any building~~ shall be subject to the~~se~~ design objectives ~~hereinafter~~ stated **in this section**. The **purpose** ~~object of these design objectives~~ **of this section** is to assure compatibility of ~~each and~~ all signs with the architecture of buildings. ~~All signs shall conform to the City's sign standards and as said City standards may subsequently be further amended.~~ Where conflict exists between City standards and the requirements of these regulations, the more restrictive shall apply.

~~3303.G.1~~ PLANNED COMMERCIAL DEVELOPMENT:

~~3303.G.1.a.~~ MONUMENT SIGNS

Signs may not exceed six feet (6') in height and shall be located in a landscaped area, the minimum size of which shall be no less than the size of the sign, **measured on both sides**.

~~3303.G.1.b.~~ WALL SIGNS

The maximum area of ~~these~~ **wall** signs shall not exceed ~~the size requirement of~~ two (2) square feet of sign area for every lineal foot of occupant's primary frontage, **but in no case** ~~not to~~ exceed**ing** 200 square feet.

~~3303.G.1.~~c. **COURTESY** ~~INCIDENTAL~~ SIGNS

Up to two courtesy signs per occupant frontage, attached to the building or projection thereof, within the limits of each occupant's building frontage, is allowed, subject to a sign permit. In addition, signs designed to guide pedestrian or vehicular traffic are allowed, provided that each such sign do not exceed three (3) square feet.

~~Two incidental signs per occupant frontage attached to the building or projection thereof within the limits of each occupant's building frontage shall be permitted. Signs designed to guide pedestrian or vehicular traffic are permitted, provided such signs do not exceed three (3) square feet~~.

~~3303.G.2~~. MULTI-FAMILY RESIDENTIAL AND CONDOMINIUMS:

One **monument** project entrance sign may be installed if the project has access onto one (1) dedicated public street. Two (2) project entrance signs may be permitted when the project has access onto two (2) or more dedicated streets. Monument signs may not exceed six feet (6') in height and shall be located in a landscaped area, the minimum size of which shall be no less than the size of the sign, **measured on both sides**.

~~3303.G.3~~. SINGLE COMMERCIAL BUILDING:

One wall sign per occupant frontage attached to the building or projection thereof and within the limits of each occupant's building frontage (exposed sides of buildings) shall be permitted to a maximum of two (2) signs per occupant. Size shall be limited to two (2) square feet of sign area for every lineal foot of occupant's primary frontage, not to exceed 200 square feet **of cumulative sign area**. In addition, one monument sign may be allowed pursuant to item 1.a. above.

~~3303.G.4~~. SIGN LIMITATIONS: Pole signs **are prohibited in the "D" District.** ~~**Redevelopment Area** shall not be permitted.~~

~~3303.G.5~~. ADDITIONAL REGULATIONS AND CONTROLS:
All ~~re~~developers and owner-participants shall be required to include a sign provision in any and all leases with tenants requiring such lessees to conform to the established sign design and policy within the ~~Project Area~~ **"D" District** in order to ensure a

reasonable degree of uniformity and continuity of sign design, scale, proportion, size and placement.

~~3303.H~~**F.** SIGNS WITHIN A HISTORIC DISTRICT

In addition to the regulations elsewhere in this Article, the following regulations shall also apply in the Historic District:

~~3303.H.1~~**.** ~~SIGN~~ PURPOSE **AND CONSISTENCY**~~.~~

~~3303.H.1.a~~**.** Historic District Signs shall ~~be architecturally attractive and~~ contribute to the retention or restoration of the historic character of the area. Such signs ~~should~~ **may** not compete with one another in terms of visibility, or dominate the setting via inconsistent height, size, shape, number, color, lighting or movement.

~~3303.H.1.b An effective signing and graphics system functions not as a separate entity but as an integral part of the built environment. Carefully planned signs communicate essential information, while also ordering and enhancing the architectural environment.~~

~~3303.H.1.C~~**b.** **Consistency. The following sign regulations** ~~Design criteria are needed to encourage and coordinate well-designed signage. The following sign regulations~~ are ~~also~~ intended to assure **Historic District establishment**s ~~the merchant~~ that all other establishments are similarly regulated ~~in the Historic Area.~~ A comprehensive sign package shall be required for all development within the Historic Area**.** ~~to insure compliance with these guidelines.~~

~~3303.H.2 DEFINITIONS.~~

~~3303.H.2.a Historic Sign. Any sign used to recreate a replica or restore a historic structure related to the Mission San Luis Rey, All Saints Church or Heritage Park. Documentary evidence of such a sign must be presented to Oceanside Historic Preservation Advisory Commission (OHPAC).~~

~~3303.H.2.b Historic Marker. Signs or markers approved by the City, State or Federal Government to be located on historic sites, points, or structures, or describe directions to such from prominent visible locations within the public right-of-ways.~~

~~3303.H.3~~2. **STRUCTURAL AND DIMENSIONAL RULES** ~~SIGN TYPES RESTRICTIONS.~~

~~3303.H.3.a~~. A freestanding sign shall not exceed 12 feet in height.

~~3303.H.3.b~~. A wall sign **may** not exceed~~ing~~ four (4) feet in height **and must be** securely affixed to a wall and project~~ing~~ no more than 6 inches from ~~a parallel to~~ the face of ~~such of~~ the wall. A wall sign shall not project beyond the edge of the building face nor above the highest line of the building to which it is attached. The length of the sign may be up to 80% of the building frontage, and shall not exceed 20% of the building frontage wall **area**.

~~3303.H.3.c~~. Window signs painted or permanently affixed on an interior translucent surface, including windows and doors, shall not exceed 20% of the area visible from any one point of the building. Exterior window signs are prohibited.

~~3303.H.3.d~~. A monument sign shall not exceed six feet in height (except Entry Monuments which may be twelve feet) and supported by a base not exceeding 25% of sign area.

~~3303.H.4~~3. DESIGN STANDARDS.

~~3303.H.4.a~~ **Review:** All **applications for Historic District** signs shall be reviewed by Oceanside Historic Preservation Advisory Commission (OHPAC) and **shall be** ~~only~~ approved **only** when ~~such signs~~ they conform to the sign controls herein as to characteristics and designs. **However, such review shall not consider the message content of the proposed signs.**

All requests for signs in excess of sixteen (16) square feet shall be accompanied by documentary evidence that signs of such size and advertising existed in the area during the early years that the mission was in operation. Signs must conform in size, shape, design, material, coloring, lighting and location to the period before the Civil War, unless associated with Heritage Park which is not subject to this criteria.

~~3303.H.4.b~~ **Sign Review Information:** Application for

a sign permit shall be accompanied by sketches and drawings to scale ~~an dimensions~~ showing details of construction, and shall delineate the size, shape, design, material, coloring, lettering, lighting and position in relationship to the building form or place where it will be displayed. Scaled sketches of existing signs on the premises, including signs for which valid permits exist, whether or not such signs are in existence, shall accompany the application.

~~3303.H.4.c~~ **Colors:** Colors shall be consistent with the period of the building or site. No luminous paints or plastics shall be permitted.

~~3303.H.4.d~~ **Typefaces:** The typeface used on all signs shall be consistent with the mission period. Acceptable type styles include the following (unless associated with Heritage Park or Ivey Ranch Park which are not subject to these type styles): Libra, Goudy, Medieval, Solemnis, Garamond, Friar, Alternate Gothic, American Uncial.

~~3303.H.4.e~~ **Illumination:** Signs may be lighted. However, no light that flashes or blinks or effects changes in hue or intensity of illumination is permitted. **Digital display signs(LCD, CCD, plasma, etc.) is prohibited.** Illumination sources for the sign shall be hidden from view.

~~3303.H.4.f~~ **Acceptable Sign Materials:** The following materials are acceptable for sign face, supports or standards.

~~3303.H.4.f(1)~~ Rough sawn wood and/or wrought iron with painted backgrounds and lettering.

~~3303.H.4.f(2)~~ Smooth wood with painted background and lettering.

~~3303.H.4.f(3)~~ Wood cutouts, carved out letters, or wrought iron silhouettes on any of the above.

~~3303.H.4.f(4)~~ Signs directly painted on a building. (This is defined as a wall sign.)

~~3303.H.4.f(5)~~ Ceramic tiles of letters or symbols inset in adobe or wood.

~~3303.H.4.f(6)~~ Wood or stucco finished sign posts are **required** ~~recommended~~.

~~3303.H.4.g~~ **Prohibited Sign Materials:** The following materials are **prohibited for Historic District signs** ~~not acceptable~~:

~~3303.H.4.g(1)~~ Contemporary finishes such as plastics, fiberglass, porcelain enamel, aluminum and stainless steel.

~~3303.H.4.g(2)~~ Sheet metal.

~~3303.H.4.g(3)~~ Bright glossy enamel, fluorescent paint or reflective surfaces.

~~3303.H.4.g(4)~~ Exposed metal supports in extruded, rolled or tubular sections.

~~3303.H.5~~ ~~COMMERCIAL USES~~.

~~3303.H.5.a~~ **Sign Placement:** One wall sign is permitted on the face of each establishment.

~~3303.H.5.b~~ **Sign Size:** A sign on the front or primary face of an establishment shall not exceed one square foot for each linear foot of frontage, **up to a maximum of 16 square feet.** ~~Signs over 16 square feet are discouraged.~~

~~3303.H.5.d~~ Signs on the side or rear wall of an establishment shall not exceed one-half square foot for each linear foot of street or dedicated walkway frontage along those walls, ~~. Signs exceeding~~ up to a maximum of 12 square feet ~~are discouraged~~.

~~3303.H.5.e~~ On perpendicular (30 degree or greater) projecting sign not to exceed six (6) square feet will be permitted on the front of or primary face of each establishment~~, provided that the sign is designed as a graphic representation of the establishment's goods or services, such as a boot advertising a shoe store~~.

~~3303.H.5.e~~ **Freestanding Signs:** No freestanding or roof top canopy signs shall be permitted, unless the establishments are located within an arcade, court or similar structure **that is** not on a public right-of-way. I**n such** ~~f this is the~~ case, the~~y~~ **establishments so located** may collectively place a single freestanding sign at the entrance of said arcade or court. ~~to identify the establishments within.~~ Maximum height of such sign shall not exceed four feet above average adjacent grade. Each

establishment shall have a maximum of 1.5 square feet for **display of their message or image** ~~identification~~.

~~**3303.H.5.f** Signs offering information on incidental services or recommendations, e.g. AAA, Visa, Carte Blanche, etc. shall not be visible from the public right-of-way.~~

~~**3303.H.5.f(1)** Incidental signs are permitted on the faces of the buildings or structures provided that such signs shall not be placed higher than eight (8) feet above the immediately adjacent ground level or above the eave line whichever is the lesser.~~

Courtesy Signs: Courtesy signs are permitted on the faces of buildings or structures, provided that are not placed higher than 8 feet above the immediately adjacent ground level or above the eave line, whichever is the lesser.

~~**3303.H.5.f(2)**~~ **Directional Signs:** Multi-user directional signs **may be** ~~are permitted to~~ located on a separate freestanding pole structure provided that the structure and/or sign affixed to same does not exceed six feet in height.

~~**3303.H.5.f(3)**~~ Single use directional signs shall be no more than three feet high ~~and three square feet~~. ~~The signs shall be permanently placed on-site.~~

~~**3303.H.5.g**~~ Maximum size for a single sign or panel ~~shall be that which is necessary to convey the necessary information, not to exceed a maximum of~~ **is** four (4) square feet; maximum number per establishment is four.

~~**3303.H.5.h** Total number of signs to be used for this purpose shall not exceed four (4) per establishment and shall be combined when possible.~~

~~**3303.H.5.i**~~ **Address Signs/ Name Plates: Name plates and address identifiers shall not exceed one square foot in area; maximum one per establishment or residence.** ~~Residence and establishment name signs, occupants name plates and address numbers are those signs which, by their nature and wording, or lettering identify and locate either the house, establishment, or its occupant, or both. Such signs~~

~~may include pictorial and decorative designs, as well as words and numbers, and may be in any shape or form, but shall not exceed one (1) square foot in area.~~

~~3303.H.5.j~~ **Location Markers:** Location markers are permitted as ground signs which illustrate the historic core layout and list and locate the establishments therein. The sign shall not exceed four feet in height or width. They shall have a terra cotta red background with white letters or graphics. The location and number of these markers shall be determined by OHPAC.

~~Service signs shall only provide general public information to direct the way to such public places or facilities as information centers, historic places or structures, food, restrooms, telephones, emergency stations, plazas, village commercial area, etc. Service signs shall be permitted as wall or ground signs and shall be limited in number and location. These signs may be combined and consist of a minimum of one panel and a maximum of four panels. The maximum height of a sign structure with panels shall be eight feet, with a maximum width of four feet. These signs shall have a terra cotta red background with white letters.~~

~~3303.H.6 HISTORIC CORE ENTRANCE MARKERS.~~
~~They shall be provided at significant historic core boundary points such as special intersections. These signs shall not exceed three feet in width or height. They shall have a terra cotta red background with white letters of American Uncial style.~~

~~3303.H.6.a Street signs shall convey the name of the street only, and comply with the guidelines herein. Standards or poles shall convey the unique historic character of the area.~~

~~3303.H.6.b Traffic safety signs shall be subject to the standards of City, State and Federal highways and shall be approved by OHPAC. Traffic sign standards shall be designed to convey the unique character of the historic area. They shall be inset in stucco finished materials.~~

~~3303.H.7 DESIGN STANDARDS~~

~~3303.H.7.a All requests for signs in excess of sixteen (16) square feet shall be accompanied by documentary evidence that signs of such size and advertising existed in the area during the early~~

~~years that the mission was in operation. Signs must conform in size, shape, design, material, coloring, lighting and location to the period before the Civil War, unless associated with Heritage Park which is not subject to this criteria.~~

~~3303.H.7.b Historic markers are subject to review and approval of locations and number by OHPAC.~~

~~3303.I NON-COMMERCIAL SIGNAGE~~

~~In each instance and under the same conditions as this chapter permits any sign, a sign containing an ideological, political or other non-commercial message and constructed to the same physical dimensions and characteristics shall be permitted~~.

3305~~4~~ PROHIBITED SIGNS

~~Prohibited signs shall include, but are not limited to,~~ ~~t~~The following signs are prohibited:

~~3304.A~~. Animated Signs.

~~3304~~.B. ~~Obscene signs.~~ **New billboards and conversion of existing billboards to digital or electronic display.**

~~3304.~~C. Signs that physically obstruct or pose obstruction to vehicular or pedestrian travel.

~~3304.~~D. Roof signs.

~~3304.~~E. Abandoned signs.

~~3304.~~F. Signs **that mislead or confuse drivers** ~~Misleading Traffic.~~

~~3304.~~G. Illegal signs.

~~3304.H~~ ~~Offsite Commercial Signage (except kiosk program).~~

~~3304.I~~ H. Signs displayed without Permission of Owner or Lessee.

~~3304.J~~ I. **Signs that are h**~~H~~azardous or unsafe ~~signs.~~**by virtue of their physical condition.**

J. Signs that flash, blink or use intermittent light, or which emit smoke, fumes, flashes, sparks, or sound;

K. Commercial mascots

L. Signs that use reflectors or mirrors

M. Search lights used for advertising or attention getting

N. Signs that are activated by air, forced air, forced gas, or wind.

O. Signs that interrupt or encroach into the corner clear zone.

P. Private party signs placed on City property without consent, as provided in Article 33B.

Q. Digital display/Electronic Message signs, excepting therefrom signs permitted pursuant to Section 3307, Comprehensive Sign Package. ~~in residential areas, the Mission Historic District and Small Craft Harbor area.~~

R. Feather banners

3306~~5~~ GENERAL SIGN STANDARDS

~~The following sign standards shall apply to all signage within the City.~~

~~3305.~~A. SIGN AREA

Signage area shall be calculated by using the entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, trough signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

~~3305.~~B. HEIGHT

The height of any sign shall be the measurement from the top of the sign cabinet, including all ornamentation and supports, to the existing grade beneath the sign.

~~3305.~~C. ILLUMINATION

Sign illumination shall be from interior light source

contained within the sign cabinet. Indirect exterior illumination shall be permitted provided the light source is entirely shielded from view. Such signs shall comply with the following provisions:

~~3305.C.1~~ No sign shall be illuminated by an exposed light source visible from any public street or residential property. Neon tubing shall be allowed on a limited basis**, subject to City Planner approval,** ~~only~~ if it is made an integral part of the sign design and computed within the sign area~~, and only with the approval of a Comprehensive Sign Package~~.

~~3305.C.2 No sign shall employ strobe lights, or any other light source that pulsates, blinks, or flashes.~~

~~3305.C.3~~ No sign shall employ the use of mirrors or any other highly reflective surfaces so as to direct or reflect any natural or artificial light onto any public right-of-way or adjoining property.

~~3305.C.4~~ Halo or back lighting shall **not** ~~only be allowed if it is~~ counted ~~as part of~~ **toward** the total sign area ~~and only with the approval of the Planning Director.~~

~~3305.D SIGN MAKER IDENTIFICATION~~

~~All signs must have the sign owner's name, address and telephone number conspicuously and permanently attached on the exterior of the sign.~~

~~3305.E PLACEMENT OF SIGNS~~

~~Commercial signs, except where specifically allowed elsewhere within this Article, shall be placed on the site of the use which the sign is intended to identify. Signs shall not be placed or overhang on public property nor within the public right-of-way unless provided for elsewhere herein.~~

~~3305.F~~D. SIGN MAINTENANCE

All signs shall be kept in good repair at all times.

E. RELOCATION

A permanent sign may be relocated only pursuant to a new permit. Relocated signs must comply with all rules that apply to the new location.

~~3305.G~~F. FLAGS

Flags are considered signage if not meeting the definition of "flag" in Section 330~~2~~3.

3307~~6~~ PROCEDURES ~~FOR~~ OF SIGN APPROVAL

All sign permit applications shall be consistent with the provisions of this Article and/or with an approved Comprehensive Sign Package. A Sign Installation Permit can be issued upon the completion of the steps in Section B below.

~~3306~~.A TYPES OF SIGN PERMITS

All signs that are not expressly exempted from the sign permit requirements may be installed, erected, or displayed only pursuant to a sign permit. There are two types of sign permits: Sign Installation Permits and Comprehensive Sign Packages.

~~3306.A.~~1. SIGNS EXEMPT FROM SIGN PERMIT REQUIREMENTS ~~SIGN INSTALLATION PERMIT~~.

An exemption from Sign Installation Permit shall not be deemed to grant authorization for the installation of any sign not in compliance with all requirements of this Article, not any provisions of the codes of the City of Oceanside. All signs that have an electrical system shall require an electrical permit issued by the Building Official. The following sign types are exempt from the sign permit requirement, but are still subject to all other applicable laws, rules, regulations, policies and approvals.

~~All signs consistent with this Article and/or with an approved Comprehensive Sign Package may file directly with the Building Department for a Sign Installation Permit. All signs require a Sign Installation Permit except as listed below~~:

~~3306.A.1.a~~. Temporary Signs in compliance with Section 3304~~3~~.D of this Article.

~~3306.A.1.b~~. Window Signs in compliance with Section 3304~~3~~.A.5~~6~~ of this Article.

~~3306.A.1.c~~. A-Frame and other portable signs in compliance with Section 3304~~3~~.A.7~~1.h~~ of this Article.

~~3306.A.1.d~~. Signage on ~~single family~~ residential property in compliance with Section 3304~~3~~.B.1 of this Article.

~~**3306.A.1.e** Signage less than 6 square feet on multi-family residential property in compliance with Section 3303.B.2 of this Article.~~

~~3306.A.1.fe.~~ **Courtesy** ~~Incidental~~ Signs in compliance with this Article.

~~An exception from Sign Installation Permit requirements shall not be deemed to grant authorization for the installation of any sign not in compliance with all requirements of this Article, nor any provisions of the codes of the City of Oceanside. All signs that have an electrical system shall require a permit issued by the Building Director.~~

Application for a Sign Installation Permit may be filed with the Development Services Department or Economic and Community Development Department. The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the City Planner or the Economic and Community Development Director that said application complies with the provisions of this Article and all other applicable laws, rules, regulations and policies, including all applicable health and safety codes.

~~3306.A.~~2. COMPREHENSIVE SIGN PACKAGE

~~**Digital display (electronic message) sign proposals on private property** and~~ ~~B~~buildings or building complexes containing three or more uses **or separately leasable spaces,** shall be required to submit a Comprehensive Sign Package prior to the issuance of the ~~**digital display (electronic message) sign** or~~ first sign permit for the building complex. Such sign package shall be in conformance with the provisions of this Article, and shall be designed and constructed to meet all applicable codes. The sign package shall contain provisions that establish ~~uniform~~ color, size, location, types of signs, ~~and~~ lighting ~~requirements~~ and other requirements in order for safety and aesthetics to be considered.

Notwithstanding any of the foregoing requirements applicable to buildings or complexes containing three or more uses or separately leasable spaces, ~~any~~ uses on a commercial zoned district located on a site greater than 3 acres may submit for consideration by the Planning Commission a Comprehensive Sign Package in order to: a) facilitate high quality innovative design through technologically advanced sign solutions and b) eliminate blight and improve aesthetics through a net reduction of legally permitted on-site signage. Digital display signs may be considered as part of such Comprehensive Sign Package subject to the following:

- **Minimum site area: 3 acres comprised of either a single parcel or the aggregate of multiple contiguous parcels, under single or multiple ownerships.**
- **Site location: Within 150 ft. (max) from I-5, SR76 or SR78.**
- **Sign standards: Development standards shall be as set forth in Article 33A, or as modified by the Planning Commission at the time of Comprehensive Sign Package program approval. Any deviations to applicable sign regulations must enhance the character of the development by addressing sign location, number, area, height, illumination and sign separation from less intense uses.**
- **Number of signs: One wall or freestanding digital display sign. (This sign shall be in lieu of an otherwise allowed freestanding sign)**
- **Hours of operation: 6:30a.m.-11:30p.m.**
- **Separation from residential uses: 500ft. (min)**
- **Light intensity: No changes in light intensity (other than between day and night) shall be permitted.**
- **Message dwell time: 8 seconds (min)**
- **Message transition time: Instant message transition or a fading transition of no more than 1 second. At no time shall a digital display go blank during a transition.**
- **Brightness control: A sensor or other device shall automatically adjust the brightness of the digital display based on ambient lighting changes, in compliance with applicable State and local lighting standards.**

Digital signs are prohibited within the Mission Historic District.

~~3306~~. B. APPROVING AUTHORITY. The following persons, departments, advisory or legislative bodies are entitled to approve or deny sign requests as follows:

~~3306.B.~~1. SIGN INSTALLATION PERMIT. The Building **Official** ~~Director~~ is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the **City Planner** ~~Planning Director~~ or the **Economic and Community Development** ~~Redevelopment~~ Director that said Sign Installation Permit Application complies with the provisions of this Article, and upon further documentation that the proposed sign

installation complies with all applicable health and safety codes.

~~3306.B.~~2. COMPREHENSIVE SIGN PACKAGE. **Unless otherwise indicated,** the **City Planner** ~~Planning Director~~ or the **Economic and Community Development** ~~Redevelopment~~ Director shall **consider and** either approve or deny Comprehensive Sign Packages according to the provisions of this Article. The decision of the **City Planner** ~~Planning Director~~ or the **Economic and Community Development** ~~Redevelopment~~ Director is appealable to the Planning Commission, Community Development Commission, Harbor Board or City Council.

The City Planner or Economic and Community Development Director may refer Comprehensive Sign Packages to the Planning Commission or Community Development Commission respectively if he/she finds that the proposal may conflict with the purposes and criteria set forth in this Article.

~~3306.~~C. PUBLIC HEARING PROCESS

Any application to consider an appeal of a Comprehensive Sign Package shall be heard by the Planning Commission at a public hearing in accordance with the provisions of Article 46 of the Zoning Ordinance. A completed application form with the appropriate filing fees shall be filed with the ~~Planning~~ **Development Services Department** or **Community and Economic Development** ~~Redevelopment~~ Department. A decision by the Planning Commission is appealable to the City Council or Harbor Board pursuant to the provisions of Article 46 of the Zoning Ordinance, except the decisions of the Community Development Commission are final when acting as the Planning Commission.

~~3306.~~D. ISSUANCE OR DENIAL

Regardless of sign permit type, the reviewing authority shall, within forty-five (45) days of the filing of a complete permit application shall approve and issue the permit if the standards and requirements of this Article and all other applicable laws, rules, regulations and policies have been met, unless the time is mutually extended by the parties. If the requirements of the permit have not been met, the application will be denied in writing stating all reasons for denial. Such denial is also subject to the 45 day limit.

~~The Planning Director, or whomever is charged with permitting a particular signage, shall, within forty-five (45) days of the filing of a complete permit application, approve and issue the permit if the standards and~~

~~requirements of this Article have been met, unless the time is mutually extended by the parties. Otherwise, the permit shall be denied.~~

Judicial review of a decision denying the permit shall be ~~made by a petition for a writ of administrative mandamus filed~~ in Northern San Diego County Superior Court, **pursuant to the California Code of Civil procedure, or as otherwise authorized by law.** ~~If prompt judicial review of the decision denying the application is desired by the applicant, the applicant shall also file an application for a preemptory writ in the first instance, which shall be heard and decided within sixty (60) days from the date of the filing and service of the application.~~

E. ~~DIGITAL DISPLAY (ELECTRONIC MESSAGE)~~COMPREHENSIVE SIGN PACKAGE FINDINGS

Pursuant to Section 3307A.2, the Planning Commission, City Planner or Economic and Community Development Director, as the case may be, may approve a Comprehensive Sign Package ~~for a digital display (electronic message) sign,~~ if on the basis of the application, plans, materials, and testimony submitted, finds:

1.The proposed sign(s) conforms with the criteria set forth in this Article.

2.The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;

3. The proposed sign(s) will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicular or pedestrian traffic; and

4. The proposed sign(s) will not have an adverse visual impact on adjoining land uses ~~commercial and/or residential areas~~.

3308~~7~~ NON-CONFORMING SIGNS

~~3307.A.~~ INTENT

It is the intent of this Section to encourage and promote compliance of existing signs with the provisions of this Article and the eventual elimination of non-conforming signs. The achievement of full compliance of all signs with the provisions of this Article is as important as is the prohibition of new signs that would violate these regulations. If the sign is one defined by the Outdoor Advertising Act, section 5499.1, it shall be abated following notice and hearing procedures required by Section 5499.1 et seq. of the Business and Professions Code.

~~3307.~~B. LEGAL NON-CONFORMING SIGNS

Every on-site sign becoming non-conforming as a result of this Article shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493, 5495, and 5497.

An existing sign which was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign permit but becomes non-conforming by adoption of this Article or other regulation will be allowed within the amortization period unless any of the following occurs:

~~3307.B.~~1. The sign structure is altered which makes the sign less in compliance with the requirement of this code than it was before the alteration; or

~~3307.B.~~2. The sign structure is relocated to a different location on the site or lot, making it less in compliance with the requirement of this code.

~~3307.B.~~3. The sign or sign structure is replaced (excluding change of copy). On the happening of any one of 1, 2 or 3 above, the sign shall be immediately brought into compliance with this code with a new permit secured, or shall be removed within 48 hours.

~~3307.~~C. SIGN REMOVAL

Every legal off-site sign becoming non-conforming as a result of this ordinance may be removed in accordance with the provisions of California Business & Professions Code sections 5412, 5412.1, 5412.2, and 5412.3. All illegal signs listed below shall be forthwith removed by the owner or by the City with 48 hours notice to the owner.

~~3307.C.~~1. A sign which was legal but nonconforming that becomes illegal and nonconforming by the occurrence of B1, B2, or B3 above.

~~3307.C.~~2. Any illegal sign.

~~3307.C.~~3. A non-conforming sign which has exceeded its authorized amortization period.

~~3307.C.~~4. An abandoned sign.

~~3307.C.~~5. A display existing without permission of owner or lessee.

~~3307.~~D. AMORTIZATION PERIOD

All legal non-conforming signs shall have a useful life

and legal life of fifteen years, calculated from the date of adoption of the regulation making it nonconforming or upon the date of a court order deeming the regulation unconstitutional. Upon expiration of the sign amortization period, the sign shall be removed by the owner without compensation. Upon determination that a sign is nonconforming, the Enforcement Officer will issue written notice to the owner or user of the sign or to the owner of the property on which the nonconforming sign is located, requiring conformance or removal therefor if unable to conform. If, after a reasonably diligent attempt to serve written notice, the owner and user have not received notice, then the City must either post the notice or publish the notice in a local newspaper which is customarily used for notice by the City. If the sign remains thereafter, the City may proceed with abatement procedures or other legal methods, with such costs of removal by the City to be charged against the owner. Nothing in this Article shall preclude any owner or user from voluntarily conforming a nonconforming sign at any time prior to the expiration of the amortization period.

~~**3307.E EMINENT DOMAIN**~~

~~Any signage that becomes subject to eminent domain proceedings shall be considered eligible for relocation assistance only, as provided in Section 72620 et seq. of the Government Code.~~

3309~~8~~ ENFORCEMENT

Any violations of this Article shall be subject to the enforcement remedies and penalties provided by this Article, the Oceanside Zoning Ordinance, the Oceanside City Code and by **S**~~s~~tate and **F**~~f~~ederal law. Each sign and each day is subject to separate misdemeanor violations when applying penalties. It shall be a misdemeanor to install, erect, fail to remove, or maintain any sign without a permit if a permit is required by this Article. It shall also be a violation to install, erect, fail to remove, or maintain any sign in violation of this Article. Enforcement may be pursued by criminal penalties of up to 6 months in jail and or a fine of up to $1,000, nuisance abatement, injunction, or other remedies available by law. All such penalties may be cumulative.

~~**3308.A.**~~ CRIMINAL ENFORCEMENT

It is illegal to **install, mount, display,** use, occupy or maintain signs in violation of this Article. Any violation or failure to comply with the provisions of this Article **constitutes a misdemeanor, a separate violation for each day each sign is in violation**. ~~shall render a person guilty of a misdemeanor each day the violations exist, and any s~~**S**uch ~~person shall be~~ **misdemeanor violations may be punished** in accordance with

the provisions of Chapter 1 of the Code of the City of Oceanside or other remedies provided by law.

~~3308.B.~~ CIVIL AND **ADMINISTRATIVE REMEDIES**

Violations of this Article may be remedied by civil and/or administrative procedures, as authorized by City or State law.

~~In addition to the criminal penalties prescribed in Section 3308.A., other remedies, as prescribed in Oceanside Code Section 17.14 may be imposed for violations of this Article~~.

~~3308.~~C. ABATEMENT

~~3308.C.~~1. **NUISANCE ABATEMENT.**

Signs not in compliance with this Article **are hereby** ~~may be~~ declared to be a public nuisance, ~~and~~ **which may** be abated in accordance with the requirements of Oceanside City Code Chapter 17, Article I, **or by methods authorized by State law.**

~~3308.C.~~2. SUMMARY ABATEMENT.

Signs located in the public right-of-way which are not in compliance with this Article may be declared to be a public nuisance subject to summary abatement by the Enforcement Officer. In addition to any criminal or civil penalties prescribed by law, the actual costs of abatement of such signs shall become a debt owed to the City by the person responsible for or causing placement of the sign. Said debt shall be subject to cost recovery ~~in~~.

~~3308.C.~~3. SIGN MAINTENANCE.

~~All signs shall be kept in good repair at all times or shall be subject to the following:~~

~~3308.C.3.a~~ ~~If the sign is not under repair or repaired within 30 days after notification period has elapsed, the owner and/or user of the sign will be guilty of an infraction, and the enforcement officer will issue a citation.~~ **Maintenance of a sign in violation of this Article is an infraction. If notice of violation is given, and there is no cure of the violation within 30 calendar days, the Enforcement Officer may issue a citation.** Fines assessed will be in accordance with the Oceanside Municipal Code.

~~3308.C.3.b~~ If **a violative** ~~the~~ sign is not repaired within 30 days of the first violation, a second violation will be issued to the owner and/or user of the sign and will continue to be assessed each day

thereafter until the sign is repaired.

~~3308.C.~~4. HAZARDOUS OR UNSAFE SIGNS.

The Enforcement Officer, upon identification of a hazardous or unsafe sign, shall give written notice to the property owner and/or party responsible for the sign of the condition or conditions which render the sign hazardous or unsafe, and an order to abate the public nuisance caused by the existence of the hazardous or unsafe sign. The Enforcement Officer will determine an appropriate time period for remedy. ~~abatement of the public nuisance based on the degree of hazard.~~ At the expiration of the ~~time~~ **remedy** period, if the hazard has not been voluntarily abated, the Enforcement Officer shall proceed to abate the nuisance in accordance with the procedures contained in Oceanside City Code Chapter 17, Article I. **In cases where a sign, by virtue of its physical condition, constitutes an immediate and serious threat to the public safety, the Enforcement Officer may summarily remove, correct, or abate the dangerous condition; in such case, the cost of immediate remedy may be charged to the sign owner or other person responsible for the dangerous condition.**

~~3308.~~D. RIGHT OF ENTRY

When it is necessary to make an inspection to enforce the provisions of this Article, or when the Enforcement Officer has reasonable cause to believe that there exists any sign or a condition which makes such sign unsafe, abandoned, illegal or nonconforming, the Enforcement Officer may petition the Court to enter the lot, building, or premises on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed by this Article.

~~3308~~.E. NOTICE

For purposes of this Section, written notification deposited in the U.S. Mail, or personal delivery, or posting, or publication in a local newspaper shall constitute proper notice.

~~33~~109 SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a 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 passed this ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Article 33B Signs

Sections:

33011 Title, Capacity and Scope
33022 Intent as to Public Forum
33013 Definitions
33014 General Prohibition
33015 Signs Exempt from Permit Requirements
33016 Kiosk Program Directional Signage
33017 Temporary Inanimate Signs
33018 Permanent Private party Signs on City Property
30019 Signs within the Small Craft Harbor Area

33011 Title, Capacity and Scope

A. Title. This Article may be referred to as the City Property Sign Ordinance.

B. Capacity. In adopting this Article the City Council acts in its proprietary capacity as to City property.

C. Scope. This Article states City policies and rules for the display of signs on City property.

33012 Intent as to Public Forum

The City declares its intent that all public property shall not function as a designated public forum for sign display, unless some specific portion of public property is designated herein as a public forum of one particular type; in such case the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.

33013 Definitions

For purposes of interpreting and enforcing this Article, the following words have the special definitions given. For words not defined in this chapter, definitions from Article 33A Signs, Section 3303 may be used.

ADMINISTRATOR
Administrator means the person authorized by the City Council to enforce and interpret this chapter; in the absence of a contrary authorization by the City Council, the Administrator

shall be the City Manager or his/her designee.

CITY
City means for purposes of this Article the City of Oceanside, California and any of its associated entities including, but not limited to, the Oceanside Redevelopment Agency.

CITY PROPERTY
City property means land or other property in which the City is the owner or has the present right of possession and control, as well as areas which are either designated as public rights-of-way or which have long been used as such.

PERMIT
Permit means a written authorization from the City for a third party display of a sign on public property.

PERSONALLY ATTENDED
Personally attended means that a person is physically present within five feet of the sign at all times.

SIGN ORDINANCE
Sign Ordinance means Article 33A and 33B as it may be amended from time to time.

TRADITIONAL PUBLIC FORUM
Traditional public forum means the surfaces of City-owned streets, surfaces of City-owned parks, surfaces of City-owned plazas, surfaces of sidewalks which are connected to the City's main pedestrian circulation system and the exterior surface of pedestrian areas immediately surrounding City Hall.

33014 General Prohibition

Unless a specified sign type is exempt from the permit requirement, private persons may display signs on public property only by permit. Any permit application which is denied may be appealed in the same manner as the appeal process described in the Sign Ordinance.

33015 Signs Exempt from Permit Requirement.

A. Government signs. Signs posted by the City on City Property to express its own message(s) to the public; traffic control and traffic directional signs erected by the City or other governmental entity; official notices required or authorized by law or court order; signs placed in furtherance of the City's governmental functions.

B. Picketing. The personal carrying of signs "picketing," displaying protected noncommercial speech messages, is allowed in Traditional Public Forum Areas, except in the

roadway when it is open to normal vehicular traffic; picketers may not interfere with public ingress or egress or free use of sidewalks or public right-of-way. For safety reasons, picketing is allowed from sunrise until 10 p.m. In order to serve the City's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within the clear corner area.

~~3303.E.3.b~~ 33~~0~~16 Kiosk Program ~~Directional~~ Signage

This Section provides for directional, **event and community** signage within the public right-of-way within an approved kiosk under the City's Kiosk program. It is intended to permit government owned off-site directional signs necessary to serve the community for purposes of order, direction and safety. In order to avoid adverse effects on the aesthetics of the City, to minimize traffic safety issues and to prevent a proliferation of such signs, regulations for the location, standards, number of such signs, and their approval and removal are included in this Section.

~~33.E.3.b(1) Sign Standards and Structural Requirements~~ All kiosk displays shall substantially comply with ~~the~~ **applicable** sign design standards, program guidelines, and structural requirements. The ~~Enforcement Officer~~ **City Planner or Economic and Community Development Director and Building Official** shall review all such displays to ensure their compliance with those standards and requirements.

~~3303.E.3b(2)A.~~Kiosk Program Regulations and Standards for Commercial and Non-Commercial Signs.

~~3303.E.b.(2)(a)~~**Design and Location: The Development Services Director or Economic and Community Development Director** ~~Building Director or its agent~~ shall ~~establish kiosk displays and~~ approve the ~~location and construction of~~ **design of** ~~such~~ **kiosk** displays in various strategic locations throughout the City. Such design and location discretion shall only be made with due consideration to aesthetic appearance, cost, readability, traffic and public safety concerns **and may include pedestrian oriented digital/electronic message displays.**

~~3303.E.3.b(2)c One~~ kiosk designs utilized throughout the City shall be on file in the Building Division. The height and design of all kiosk displays shall be subject to approval of the City ~~in accordance with the kiosk program guidelines.~~

~~3303.E.3.b(2)d~~ Kiosks shall be in the public right-of-way.

~~3303.E.b.(2)e~~ Each kiosk shall have "Oceanside" and the City logo displayed in a prominent location on the sign.

~~3303.E.3.b(2)f~~ No more than eight kiosk sign panels for any person or entity is allowed within the City. A kiosk sign display shall not be duplicated on an individual kiosk. A double-sided message display shall be considered one kiosk sign display for the purposes of this Article.

~~3303.E.3b.(2)g~~ There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved.

Number of Kiosk Display Signs: An applicant may apply for signage to be placed within one or more kiosk displays ~~designated by the Building Director~~. All applicants shall be subject to the rules, regulations and requirements placed on such signage consistent with the provisions of this Article ~~and the City's kiosk program guidelines~~.

~~3303.E.3.b(2)h~~ **Sign Removal:** Any sign placed contrary to the provisions of this ordinance may be removed by the **Code** Enforcement Officer without prior notice.

Enforcement: Non-compliance or kiosks improperly maintained shall be subject to the enforcement provisions provided in this Article and/or the Oceanside City Code.

~~3303.D.2~~ **33~~0~~17 Temporary Inanimate Signs in the Public Right-of-way** ~~PRIVATE PLACEMENT ON RIGHT-OF-WAY~~

Temporary signs displaying any type of variety of constitutionally protected noncommercial speech may be displayed by private persons up to thirty days prior and five days after any official local, state, regional, or national authorized election. Such sign display by private persons is subject to a permit and the following rules:

~~3303.d.2.b~~ Sign Area. The maximum allowable sign area is 6 square feet per sign **(measured on both sides.)**

~~3303.D.2.c~~ Height. Maximum height of freestanding signs is 5 feet.

~~3303.D.2.d~~ Posting On Structures. All signage within the public right-of-way shall be self-supporting and freestanding. No temporary sign shall be posted on any streetlight, utility pole, post, pole, or structure supporting a traffic control sign or

signal, fire hydrant, or similar structures in the public right-of-way.

~~3303.D.2.e~~ Safety of Placement. Temporary signs posted in the public right-of-way shall meet the following criteria:

~~3303.d.2.e(1)~~ When located in the Corner Clear Zone, the sign shall not exceed 30 inches in height.

~~3303.d.2.e(2)~~ Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs, or signals, or otherwise represent a hazard to vehicular or pedestrian traffic.

~~3303.d.2.e(3)~~ Signs shall not impede a pedestrian's free use of the sidewalk.

~~3303.d.2.e(4)~~ Signs shall be securely affixed to the property on which they are placed.

~~3303.d.2.e(5)~~ Signs shall not be placed in the center of public roadway medians.

Permit Application Requirements. Prior to posting any temporary sign on the right-of-way, the private party responsible for the posting and maintenance of such signs, hereinafter referred to as "responsible party," shall provide the following information to the Enforcement Officer:

~~3303.D.2.f(1)~~ Application - An application shall be filed with the Code Enforcement Office ~~Building Division~~ by the "responsible party". This application shall be in a form and content as required by the Enforcement Officer. This application shall minimally include the following information:

~~3303.D.2.f(1)a~~ Identification Information - A description of the signs sufficient to allow the Enforcement Officer to identify the responsible party for the purposes of enforcement.

~~3303.D.2.f(1)b~~ Name, address, and telephone number of the responsible party.

~~3303.D.2.f(2)~~ ~~Deposit - A $250 deposit per application is required. The deposit is refundable. Costa of enforcement, if required may be deducted from the deposit prior to refund.~~

~~3303.D.2.f(3)~~No permit nor deposit is required for the posting of temporary signs on public property by the City of Oceanside.

~~3303.D.2.g~~ Sign Removal. Temporary signs shall be removed from the public right-of-way not later than the removal date indicated in the application.

~~3303.D.2.h~~ Cost Recovery. Whenever the Enforcement Officer causes the removal of a temporary sign, the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.

33~~0~~18 Permanent private Party Signs on City Property

Notwithstanding the prohibited sign types listed in the sign ordinance, the City Council may approve proposals for private parties to place permanent signs on city property or city right of way, upon finding that the proposed sign is in the best interests of the City through the promotion of City sponsored events and the dissemination of public safety and traffic messages. The City may impose conditions on the approval through the terms of the lease, contract or license. Before approving a private party sign under this section, the City shall conduct a request for proposals open to interested parties. ~~No more than four private party signs may be placed on city property pursuant to this section.~~ Placement of one electronic message billboard structure with two digital display "faces" or panels on city property or right of way may only be permitted as part of a legally enforceable agreement to replace two existing billboard structures, each with two billboard display faces, within the City of Oceanside. The area of a digital billboard display "face" or panel shall not exceed the smallest of the static billboard panels it is replacing. The City shall comply with the California Environmental Quality Act before approval of any lease, contract or license.

33~~0~~19 ~~3303.F~~ E. Signs within the Small Craft Harbor ~~IGNS WITHIN THE SMALL CRAFT HARBOR AREA~~

In addition to the sign regulations elsewhere in this Article, the following regulations shall also apply in the Oceanside Small Craft Harbor:

~~3303.F.1 GOVERNMENT SIGNAGE/ SURFACE STREETS APPROACHING THE HARBOR.~~

~~Surface street approach signs should be of a distinctive character for designation of the Harbor location. These signs shall be visible day and night and located at key points within the public right-of-way of streets leading to the Harbor, with all turns clearly indicated in advance.~~

1. FREESTANDING SIGNS
~~3303.F.2~~a. POLE OR GROUND SIGNS.

~~3303.F.2.a~~ Major. A major pole or a ground sign shall be allowed at the two major entryways to the Harbor. The sign shall be designed to denote "Oceanside Harbor" with the appropriate directional signage. Signage of uses within the harbor area may be displayed on separate lighted panels. Non-commercial messages may also be displayed.

~~3303.F.2.b~~ Minor. Minor pole or ground signs shall be allowed at major intersections within the harbor. These signs shall be a variation of the sign design proposed for the major entryways to the Harbor. **Such signs shall use** ~~The use of~~ a modular replaceable-unit or a translucent panel system with internal lighting, and a highly visible typeface~~, is recommended for these locations~~. Non-commercial messages may also be displayed.

~~3303.F.2.c Typeface. A limited number of typefaces for major and minor pole signs are available for the various panels. Proprietary or specialized typefaces which have been consistently utilized by a "chain" and are compatible (i.e., legibility, scale, color) with the others in the sign, may also be displayed.~~

~~3303.F.2.d~~ Maximum height of a minor pole or ground sign is 14 feet.

~~3303.F.3 SITE SIGNS.~~

~~Site signs shall display information in a coordination of design in effort to create a more cohesive and pleasing atmosphere. Site signs shall fall within the categories of monument signs, wall signs and incidental signs.~~

~~3303.F.3.a~~ b. Monument Signs

~~3303.F.3.a(1)~~ Location. Signs shall be located at the outer face of leasehold or near the street front property line or vehicular entrance to leasehold. Signs must be located and oriented to avoid interference with vehicle driver's safe line of sight.

~~3303.F.3.a(2)~~ Maximum Quantity. One (1) per ~~business entity~~ **separate establishment** at street frontage or entrance driveway.

~~3303.F.3.a(3)~~ Size. Maximum panel size is six (6) square feet. Maximum height is six (6) feet.

~~3303.F.3.a(4)~~ Materials. Limited to wood or acceptable metals or plastics.

~~3303.F.3.b~~ **2.** Wall Signs.

~~3303.F.3.b(1)~~ Location. Signs shall be located on building façade or on-site adjacent to entry of building. Wall signs shall

not be placed on roofs or windows.

~~3303.F.3.b(2)~~ Maximum Quantity. One (1) per ~~independent business entity~~ **separate establishment** on each street frontage and/or water frontage façade.

~~3303.F.3.b(3)~~ Size. Size and quantity must be compatible with scale of structure, but in no case can it exceed 12 square feet of panel size in one elevation (building face) or 24 square feet on all elevations (building face).

~~3303.F.3.b(4)~~ Materials. Limited to wood or acceptable metals or plastics.

~~3303.F.~~3.~~c~~ ~~Incidental~~ **Courtesy** Signs.

~~3303.F.3.c(1)~~ Location. Signs may be located anywhere within a leased parcel.

~~3303.F.3.c(2)~~ Maximum Quantity. Number of signs per leased parcel shall be as needed for directional and informational signage.

~~3303.F.3.c(3)~~ Size. Maximum of four (4) square feet for each panel size and a total of 24 square feet for all ~~incidental~~ **courtesy** signage on a lease parcel.

~~3303.F.3.c(4)~~ Materials. Limited to wood or acceptable metals or plastics.

~~3303.F.~~4 GENERAL DESIGN STANDARDS FOR ALL SITE SIGNS.
All site signs shall conform to the following design standards:

~~3303.F.4.a~~ Extensive use of wood in both sign panel and support structure ~~is desired~~.

~~3303.F.4.b A maximum of two typefaces acceptable to the Harbor District shall be used on all signs within a lease parcel.~~

~~3303.F.4.c~~ Display light sources should be screened from autos, boats and pedestrians. No internal lighting is permitted.

~~3303.F.4.d~~ Temporary display banners and flags require approval by the Harbor Director as to size and location.

~~3303.F.4.e~~ Boat sale displays should have consistent sign sizes and typography within a single parcel, and "false sail" signs in sailboat rigging should be in conformance with these regulations. (See Boat Sign Ordinance 72-5.)

~~3303.F.4.f~~ No more than 20 percent of the total window area for any one side shall be used for permanent or temporary sign display.

~~3303.F.4.g Temporary signs affixed to trailers or boat cradles are discouraged.~~

~~3303.F.4.h~~ Where multiple uses **or establishments** are located within the same parcel, **all** signs **on that parcel will use consistent design as to materials, proportions and lighting.** should be of similar materials and proportions, consistently ~~located and lighted, and of not more than two typeface styles (except for compatible regionally or nationally recognized "chain" logo/type-faces").~~

~~3303.F.4.i~~ **Lighting that creates a confusing background for harbor night entry is prohibited.**
~~No lighted sign will be allowed that creates a confusing background for Harbor night entry.~~

~~3303.F.~~5**.** **PERMITTING** ~~APPROVAL REQUIREMENTS.~~

Other than courtesy signs which use no electricity or special lighting, and temporary signs exempt from permitting, all private party signs in the Harbor District may be installed or displayed only pursuant to a sign permit. Any application for such a permit will be granted when the proposed sign(s) complies with all applicable laws, rules, and policies.

~~Upon application, all signage shall receive a permit if the signage is in compliance with all provisions of this Article for general signage and Harbor District signage. All signs (except for incidental signs without electricity or temporary signs) must have a permit from the City of Oceanside Building Department prior to installation.~~

Changeable Copy/Electronic/ Digital Signs on Private Property

	Irvine	Huntington Beach	Tustin	Escondido	El Cajon	San Diego	Long Beach	Los Angeles	Riverside
Process									
	Sign Program – PC	Design Review & Admin CUP	Master Sign Plan - CUP PC	CUP - DRC- PC & City Council	CUP – City Council	Neighborhood Use Permit	CUP – PC	Sign District - overlay	Sign Permit
Sign Criteria:									
Sign type	Criteria set by sign program	Wall or freestanding	Criteria set by master sign plan	Wall or freestanding	Same limitations as other types of signs	Wall or freestanding	Freestanding	Criteria set by sign district sign program	Regulations vary based on land use and site area
Number		1		1			1 digital in lieu of 2 freestanding		
Height		25 ft.		80 ft.			40 ft. (max) measured from grade of nearest freeway lane		

Sign Area		115 ft.		270 sf changeable copy – 400 sf total copy			300 sf		
Lighting intensity control devices		Cylinders, shade streen, photocell				X		X	
Light output		50 fc							
Hours of operation		6:30am-10:30pm							
Dwell time & change interval time		4 sec (min) & 1 sec (min)		8 sec(min) & 1 sec (min)	4 sec (min)				
Siting req:									
Location and/or Use		Along freeway and Beach Blvd		Comm. & industrial zoned parcels along I-15		Commercial & Industrial	Any business, center or convention center of 5 ac or more or of a 150,000 sf bldg.	Comm. Industrial & MF	Theaters , Schools, entertainment venues, multi tenant office , comm. or industrial complexes and amusement parks
Lot frontage		200 ft. (min)							
Site or bldg. area (min)			1 acre or 30,000 bldg sf						varies
Distance to R district		150 ft					100 ft		

Electronic/ Billboard Sign Criteria

	Irvine	Huntington Beach	Tustin	Escondido	El Cajon	San Diego	Long Beach	Los Angeles	Riverside
Process									
	Sign Program - PC	Design Review & Admin CUP	Master Sign Plan – CUP PC	CUP – DRC – PC & City Council	CUP- City Council	Neighborhood Use Permit	CUP	Sign District - overlay	Licence agreement between RPU and sign owner
Sign Criteria:									
Sign Type	Criteria set by sign program and Caltrans	Freestanding	Criteria set by sign program and Caltrans	Wall or freestanding	Same limitations as other types of signs,		Freestanding	Criteria set by sign district sign program and Caltrans	Freestanding (Riverside Plaza)
Number				1					
Height		85 ft.		80 ft.			40 ft. (max) above nearest freeway lane		50 ft. above freeway
Copy Area		1200 sf		270 changeable copy – 400 sf (max) copy area			675 sf		750 sf (max)
Lighting intensity control devices		Cylinders, shade screen, photocell							
Light output		0.3 – 1 fc							
Hours of operation									
Dwell time & change interval time		4 sec (min) & 1 sec (min)		8 sec (min) & 1 sec (min)					
Public Service message %		20% min			100%	100%			
Siting req:									
Location		Within 200 ft of freeway		Comm. & industrial zoned parcels along I-15			Comm. & industrial districts	Comm. Industrial & MF	Riverside Public Utilities
Distance to R		600 ft					500 ft		

Application for Discretionary Permit

Development Services Department / Planning Division
(760) 435-3520
Oceanside Civic Center 300 North Coast Highway
Oceanside, California 92054-2885

STAFF USE ONLY	
ACCEPTED 1-3-12	BY AF

Please Print or Type All Information

HEARING	
GPA	
MASTER/SP.PLAN	
ZONE CH. ZA11-00004	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P.	
VARIANCE	
COASTAL LCPA 11-00002	
O.H.P.A.C.	

PART I – APPLICANT INFORMATION

1. APPLICANT	2. STATUS
City of Oceanside	
3. ADDRESS	**4. PHONE/FAX/E-mail**
300 N. Coast Hwy	(760) 435-3534
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)	
Amy Fousekis	
6. ADDRESS	**7. PHONE/FAX/E-mail**
300 N. Coast Hwy	(760) 435-3534

PART II – PROPERTY DESCRIPTION

8. LOCATION	9. SIZE
City-wide	—

10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER
—	—	—	—

14. LATITUDE	15. LONGITUDE

PART III – PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION

Repeal Article 33 Signs, of 1986 ZO, modifying Article 33 of the 1992 ZO and establishing the amended text as part of the implementing document of the Local Coastal Program

17. PROPOSED GENERAL PLAN	18. PROPOSED ZONING	19. PROPOSED LAND USE	20. NO. UNITS	21. DENSITY
—	—	—	—	—

22. BUILDING SIZE	23. PARKING SPACES	24. % LANDSCAPE	25. % LOT COVERAGE or FAR
—	—	—	—

PART IV – ATTACHMENTS

	26. DESCRIPTION/JUSTIFICATION		27. LEGAL DESCRIPTION		28. TITLE REPORT
	29. NOTIFICATION MAP & LABELS		30. ENVIRONMENTAL INFO FORM		31. PLOT PLANS
	32. FLOOR PLANS AND ELEVATIONS		33. CERTIFICATION OF POSTING		34. OTHER (See attachment for required reports)

PART V – SIGNATURES

SIGNATURES FROM ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGAES AS NECESSARY).

35. APPLICANT OR REPRESENTATIVE (Print):	36. DATE	37. OWNER (Print)	38. DATE
Amy Fousekis for City of Oceanside		N/A	
Sign: Amy Fousekis		Sign: —	

- **I DECLARE UNDER PENALTYOF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.**
- **I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.**

NOTICE OF EXEMPTION
City of Oceanside, California

Post Date: Removal: (180 days)

1. **APPLICANT:** City of Oceanside
2. **ADDRESS:** 300 N. Coast Highway, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 435-3534
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Amy Fousekis, Principal Planner
6. **PROJECT TITLE:** Zone Amendment (ZA11-00004) and Local Coastal Program Amendment (LCPA11-00002) amending Article 33 of the 1992 Zoning Ordinance, repealing Article 33 of the 1986 Zoning Ordinance and establishing the amended text as part of the Local Coastal Program.
7. **DESCRIPTION:** The City of Oceanside is proposing amendments to the 1992 and 1986 sign ordinances to ensure citywide regulation of signs in a constitutional manner; distinguish regulatory from proprietary sign regulations; establish parameters for emerging sign technologies (including digital display signs); and update or clarify existing definitions and regulations. Application of the proposed zoning text amendments to properties within the City's Coastal Zone requires an amendment of the City's Local Coastal Program.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Planning Division finds that the proposed project involves regulatory changes and would not, in and of itself, occasion land development or any other material change to the environment. Projects seeking to implement the amended provisions would be subject to separate CEQA review. Therefore, the Planning Division has determined that further environmental evaluation is not required because:

[X] "The 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. 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" (Section 15061(b)(3)); or,

[ ] The project is statutorily exempt, Section_____, <name> (Sections 15260-15277); or,

[ ] The project is categorically exempt, Class 8, "Action by Regulatory Agencies for Protection of the Environment" per Section 15308 of the California Environmental Quality Act; or,

[ ] The project does not constitute a "project" as defined by CEQA (Section 15378).

Jerry Hittleman, City Planner

Date: February 8, 2012

cc: [x] Project file [X] Counter file [ ] Library Posting: [ ] County Clerk $50.00 Admin. Fee

ATTACHMENT 7

ROGERS | TOWERS
ATTORNEYS AT LAW

William D. Brinton

904 . 346 . 5537
WBrinton@rtlaw.com

1301 Riverplace Boulevard • Suite 1500
Jacksonville, Florida 32207

904 . 398 . 3911 Main
904 . 396 . 0663 Fax
www.rtlaw.com

March 26, 2012

Mr. Kevin Brown
2716 Norma Street
Oceanside, CA 92056

Re: Proposed amendments to City of Oceanside's Zoning Ordinance via proposed Articles 33A (Signs) and 33B (Signs); Issues involving the City of Oceanside's exposure to constitutional challenges if certain proposed modifications are adopted.

Dear Mr. Brown:

You have requested that I review a draft of proposed amendments to the City of Oceanside's Zoning Ordinance. You have specifically requested that I review the City's potential exposure to legal challenges premised upon constitutional violations.

For purposes of my review, you have requested that I limit the scope of that review to those specific provisions pertaining to "animated signs," "digital signs," "LED signs," "billboards" (offsite commercial signs), "comprehensive sign package provisions," "kiosks," and "permanent private party signs on City property."

There is a substantial litigation risk to the City, as presented by the interplay of these proposed ordinance amendments, which extends to potential litigation from one or more members of the outdoor advertising industry, absent a change in the treatment of these provisions. There is also a risk from other interests who may not be allowed to do what a handful of persons or interests could do under the proposed modifications.

At the end of this letter, I have included recommendations to diminish the risk to the City. I recognize that some of these issues involve policy decisions by lawmakers, but their decisions can bring about an increased risk of costly litigation in the future, with no guaranty as to the final outcome.

By way of background, a substantial portion of my practice involves the defense of local governments against federal constitutional challenges to sign regulations. You advised me that you sought my counsel based upon the recommendations of a national organization familiar with my professional work.

In my practice and in addition to the defense of local governments, I also represent scenic, planning, and governmental interests when they become involved in amicus curiae (friend of the court) briefing in federal and state appellate matters. I have had the opportunity on many occasions to represent their interests in federal district court proceedings in California and

in various federal appeals at the U.S. Ninth Circuit.[i] My litigation practice also extends to other jurisdictions outside of California and the U.S. Ninth Circuit.[ii]

Although the scope of my review in this matter is limited, I would note that the present draft is comprehensive in nature and does an excellent job in covering several key constitutional issues that frequently arise in litigation. This would include the definition utilized for "non-commercial speech" as well as the express incorporation of a message substitution clause.

The terms that I have reviewed all deal with signage of a type generally considered to be adverse to aesthetic interests and that, in some circumstances, pose traffic safety issues. Before addressing the constitutional issues that would expose the City to future litigation threats, it is prudent to begin the discussion with a review of the Land Use Element as contained within the City's General Plan,[iii] and then move to a brief discussion of two prohibited sign types that have been consistent in the zoning ordinance for the past twenty years.

The Land Use Element was adopted in 1986. It provides an important guide to the adoption of zoning ordinance provisions. I note particularly the importance of the Land Use Element when it comes to the decision to prohibit sign types known as "animated signs" and "billboards," which are widely disfavored by community planners and citizens across the United States.[iv] These sign types are sometimes regarded as nuisances.

I. OCEANSIDE'S GENERAL PLAN: LONG-RANGE POLICY DIRECTION COMMUNITY ENHANCEMENT'S GOAL

The Land Use Element identifies the Long-Range Policy Direction. The very first topic is Community Enhancement. The overarching Goal is stated succinctly:

> **GOAL:** ***The consistent, significant, long term preservation and improvement of the*** **environment, values,** ***aesthetics, character and image of Oceanside*** **as a safe, attractive, desirable and well-balanced community.**

(Emphasis added.) The consistent, significant, and long term preservation and improvement of the aesthetics, character, image, and attractiveness of Oceanside were set forth as key elements of the Goal for the City's Community Enhancement. This long-range policy direction has been established for twenty-five years, and has consistently prohibited both (a) animated signs and (b) billboards.

Zoning code amendments that would undermine this policy goal would not be consistent with the City's General Plan as expressed in its Land Use Element. Amendments to the General Plan have reinforced the City's emphasis on aesthetics, with express directives for the preparation of a both a "Community Appearance Ordinance" and a "Streetscape Master Plan." See General Plan Revisions, at Section 1.02.

II. ANIMATED SIGNS

Since at least 1986, the term "Animated sign" was defined in the zoning ordinance to mean:

> *A sign with* action or motion, rotating, flashing or *color changes*, excepting therefrom wind actuated elements such as flags, banners, streamers, whirligigs or other similar devices, and public service signs such as time and temperature units.

(Emphasis added.) This definition that identifies a *sign with color changes* would absolutely bar LED signs, which utilize light-emitting diodes that change colors to change the advertising message. They are often prohibited outright without exception in communities across the country. They are inconsistent with a community's aesthetics, character and image, and are often considered an unattractive element of commercial signage due to their frequent changes.

Animated signs were not listed among the sign types permitted in the City of Oceanside in 1986. In 1992, consistent with the goal set forth in the General Plan, the City specifically listed "animated signs" as the very first type of Prohibited Signs in Section 3304.A.

> **3304** ***PROHIBITED SIGNS***
> Prohibited signs shall include, but are not limited to, the following:
>
> **3304.A** Animated Signs.

This prohibition on animated signs has continued since 1992. The outright prohibition implements the goal of consistent, significant, long term preservation and improvement of the aesthetics, character and image of Oceanside as an attractive community. Consistency and improvement of aesthetics require special attention when amendments are proposed.

III. OFFSITE COMMERCIAL SIGNS (BILLBOARDS)

In the zoning ordinance in 1986 the term "outdoor advertising sign," synonymous with "billboard," was defined, and it was not listed among the sign types permitted in the City of Oceanside. In 1992, the term "off-site commercial signage" was defined in Section 3302.HH to mean:

> Signage that is not located on the site of the business, accommodations, services, or commercial activity served by the sign.

Consistent with the goal set forth in the General Plan, the City specifically listed "offsite commercial signage" as a type of Prohibited Sign in Section 3304.A, with the exception of a governmental kiosk program (discussed below).

3304 ***PROHIBITED SIGNS***

Prohibited signs shall include, but are not limited to, the following:

3304.H Off-site Commercial Signage (except kiosk program)

This prohibition has remained in place since 1992, and it implements the goal of consistent, significant, long term preservation and improvement of the aesthetics, character and image of Oceanside as an attractive community. The kiosk program allows the government to place signs within the public right-of-way for the limited purpose of "government business." The Zoning Ordinance makes it clear that this unique signage type is only for "off-site directional signs necessary to serve the community for purposes of order, direction and safety." This limited exception for "necessary" directional signage was crafted so as to ensure that it would not open the door to general advertising.

Offsite commercial signs are one of the most prohibited sign types in the United States. There are no billboards today in four states including Hawaii, Maine, Vermont, and Alaska. The interest in aesthetics was so strong in Alaska that a statutory provision was enacted through a statewide citizens' ballot initiative on March 4, 1999, providing: "It is the intent of the people of the State of Alaska that Alaska *shall forever remain free of billboards*." Alaska Statute §19.25.075 (emphasis added).

Aesthetics and traffic safety are the twin pillars supporting sign control, and both underpinnings play an important constitutional foundation for the prohibition of offsite commercial billboards. The Supreme Court has repeatedly made it clear that commercial billboards may be prohibited consistent with the First Amendment to the U.S. Constitution. Members of City Council of City of Los Angeles v. Taxpayers for Vincent, 466 U.S. 787, 807 (1984).

In Taxpayers for Vincent, the Supreme Court held that in order to justify a content-neutral regulation, the government must simply demonstrate that the regulation has been narrowly tailored to serve a substantial governmental interest and that it has left open ample alternative channels of communication. Id. at 812. The issue of narrow tailoring may provide a new line of attack when considering the choice of exemptions that are at odds with the stated interests in aesthetics and/or traffic safety. The outright prohibition of billboards has been a recommendation for decades among many groups interested in the scenic quality of the rural and urban environments. The concept that beauty is good for business was depicted in Dr. Seuss's pamphlet, *Signs of Civilization,* commissioned by the Town Council of La Jolla, Inc. in 1954.[v]

IV. CONSTITUTIONAL PROBLEMS WITH SEVERAL OF THE PROPOSED AMENDMENTS

There are aspects to the proposed changes that will create serious risks to the City of Oceanside. They involve prospective federal constitutional challenges under the First Amendment that may be brought by billboard companies and developers or other businesses claiming that the

new exemptions undermine a narrow tailoring of the ordinance's goals. They also involve potential prior restraint and due process issues under the First Amendment.

First, the proposed modifications as to the definition of "animated sign" are *absolutely inconsistent* with the Goals of the General Plan.

Inconsistency with the Goals of the General Plan also extends to the following: (i) provisions incorporated into newly proposed Section 3307.A.2 (Procedures of Sign Approval, Types of Sign Permits, Comprehensive Sign Package), (ii) portions of the kiosk program incorporated into a newly proposed Section 3316 (Kiosk Program Signage), and (iii) the entirety of the newly proposed Section 3318 (Permanent Private Party Signs on City Property). I will address all of these provisions below. There are separate constitutional issues involving prior restraint and due process affecting the newly proposed Section 3316 (Kiosk Program Signage) and the newly proposed Section 3318 (Permanent Private Party Signs on City Property).

A. Inconsistency with Goals in General Plan's Land Use Element.

(1) Definition of Animated sign. In addition to some clean-up language in the current definition of "Animated sign," a new sentence is proposed as follows:

> Digital display (Electronic Message) signs that expose messages for 8 seconds or more and do not appear to be in motion nor change in intensity (other than between day and night) *are not within this definition.*

(Emphasis added.)

This change undermines the Goal of General Plan's Land Use Element and would render suspect the City's narrow tailoring of its provisions regulating speech in its Sign Regulations. The proposed amendment would allow color changes in the form of differing messages appearing up to 10,800 times per day (at a rate of one message every eight seconds). Contrast this with the City's historical prohibition, with limited exception, of any signage with changes in color. The issue of intermittent lighting at eight-second intervals was recently addressed in an Arizona appellate decision, wherein the court found that a scenic organization and an umbrella neighborhood organization had standing to challenge the issuance of billboard permits for digital billboards due to their interests in aesthetics and traffic safety. Scenic Arizona v. City of Phoenix Bd. of Adjustment, 228 Ariz. 419, 268 P.3d 370 (Ariz.App. Div. 1, 2011).[vi] The Arizona appellate court cited Ballen v. City of Redmond, 466 F.3d 736, 744 (9th Cir. 2006), wherein the U.S. Ninth Circuit noted that "the externalities of billboards included perdurable [extremely durable or permanent] visual pollution that pervades a substantial volume of our eyesight and grows into an unignorable part of our cultural landscape." 268 P.3d at 373.

(2) Provisions Pertaining to Comprehensive Sign Package in the newly proposed Section 3307.A.2. The proposed language for Section 3307.A.2 contemplates that on a three-acre or larger site adjoining I-5, SR76, or SR78, digital display signs with a dwell time of eight seconds may be operated during 17 hours of each day. This would in effect allow an animated sign that is currently

prohibited under the City zoning ordinance, which adopted to implement the Goals of the General Plan. This would translate into digital signs (potentially double-sided on a freestanding structure) allowed to change 7,650 times per day. In exchange for the right to have a rapidly changing digital sign (currently prohibited by the zoning ordinance), the tradeoff is a reduction in the number of otherwise allowable on-site signs that meet the requirements of the zoning ordinance and the long term Goals of the General Plan. The way that this provision is written appears to envision perhaps just one location. However, the proposed change is diametrically opposed to any preservation or improvement of the aesthetics, character and image of Oceanside as an attractive community, and like the change in the definition of "animated sign" it would certainly undermine the stated goals of community enhancement and call into question the narrow tailoring that is necessary for a time, place and manner regulation to meet First Amendment scrutiny.

I would note that the prohibited signs, as proposed at Section 3305.Q, include "Digital Display/Electronic Message signs, excepting therefrom signs permitted pursuant to Section 3307, Comprehensive Sign Package." The complete prohibition of such signs has been upheld in recent state and appellate decisions. See Naser Jewelers, Inc. v. City of Concord, N.H., 513 F.3d 27 (1st Cir. 2008); Carlson's Chrysler v. City of Concord, 938 A.2d 69 (N.H. 2007). However, a provision providing for exceptions for such simple objects as time and temperature signs can lead to costly litigation challenges. I note that the "time and temperature" provision in the current "animated sign" definition is proposed for deletion. I assume that this is a decision based upon legal advice, and that it follows the modifications in the City of Concord's regulations undertaken several years ago after challenges to the sign code were mounted. There are good arguments that exceptions for time and temperature devices are common-sense, but that has not stopped costly litigation from being waged to strike down the entirety of a regulatory regime. If an exception is not based upon sign function, but for some other reason that is not *directly tied* to an improvement in aesthetics or traffic safety, then the foundation for the general prohibition on digital display/electronic message signs is certainly subject to potential challenge, as applied to a proposed digital/electronic sign at any location, both onsite and offsite.

(3) Provisions Pertaining to Kiosk Program in the newly proposed Section 3316. The proposed language for Section 3316 expands the governmental kiosk concept that was limited to necessary directional signs to a broader scheme. Rather than "directional signage," the program expands to "directional, event and community signage." Decisions as to what constitutes "event and community signage" may potentially invite challenge on the grounds of undue discretion. More problematic is the extension of the kiosk program from one with a governmental purpose to one that expands to "commercial" signs and references "pedestrian oriented digital/electronic message displays."

There do not appear to be any specific standards for such digital displays, previously prohibited as animated signs, located within the view of pedestrian or vehicular traffic. "Kiosk program guidelines" are removed, and the height of kiosk signs will change to "subject to the approval of the City." This opens to the door to undue discretion when considering that non-governmental commercial messages may be displayed on these signs in the public right-of-way.

(3) The entirety of the newly proposed Section 3318 (Permanent Private Party Signs on City Property). The newly proposed Section 3318 involves the placement of new digital billboards/animated signs on city-owned property. Such placement will be based in part upon a 2:1 trade ratio for non-digital billboard structures and sign faces within the City.[vii] Given the existing nonconforming billboard structures in the City, the proposed revision may involve just a single billboard company.

The language does not specifically state that the digital billboards on City property will be carrying off-site commercial messages, but that appears to be the case. The language re "lease, contract or license" suggests that the payment of money to the City is perhaps the driving factor in opening the door to prohibited sign types, and not the governmental interests of aesthetics or traffic safety. As with the other provisions, the proposed change is contrary to the Goals in the General Plan, but also involves both animated signs and billboards (both previously prohibited).

The issue of the display of advertising that will promote "City sponsored" events raises First Amendment issues in connection with the government's decision as to whose speech the government may decide to favor, who makes that decision, what criteria are followed, and (as drafted) it runs the risk of unfettered discretion. The entirety of the proposed section is as follows:

> **3318 Permanent Private Party Signs on City Property**
>
> Notwithstanding the prohibited sign types listed in the sign ordinance, the City Council may approve proposals for private parties to place permanent signs on city property or city right of way, upon finding that the proposed sign is in the best interests of the City through the promotion of City sponsored events and the dissemination of public safety and traffic messages. The City may impose conditions on the approval through the terms of the lease, contract or license. Before approving a private party sign under this section, the City shall conduct a request for proposals open to interested parties. Placement of one electronic message billboard structure with two digital display "faces" or panels on city property or right of way may only be permitted as part of a legally enforceable agreement to replace two existing billboard structures, each with two billboard display faces, within the City of Oceanside. The area of a digital billboard display "face" or panel shall not exceed the smallest of the static billboard panels it is replacing. The City shall comply with the California Environmental Quality Act before approval of any lease contract or license.

Given the language, I expect that the above provision was drafted by an attorney with a billboard company or through input from a billboard developer's representative.

This provision is fraught with the potential for creating litigation for the City for years on end. On October 19, 2009, I spoke on this very topic at the 74th Annual Seminar of the International Municipal Lawyers Association (IMLA). I am attaching for your reference a copy of that portion of my presentation.

At the seminar, I warned of the consequences of similar proposals. One week after the conference, a lawsuit was filed against the City of Utica, Michigan, where lawmakers had allowed a change in their ordinance to facilitate the placement of a digital billboard by CBS Outdoor, Inc. on city property. Thereafter the City was sued in federal court by one of CBS Outdoor's competitors - Lamar Advertising. Lamar wanted to erect a digital billboard on private property within the city. Lamar's motion for summary judgment was granted in part in May of 2011, after two years of litigation. Lamar prevailed on a constitutional claim that Utica's ordinance provisions were not narrowly tailored to satisfy a time, place and manner test for content-neutral speech. See Lamar Advertising of Michigan, Inc. v. City of Utica, --- F.Supp.2d ----, 2011 WL 1641770 (E.D.Mich.).

In its decision against the municipality, the district court stated:

> *Lamar implicitly disputes whether Utica has a significant interest in regulating the size and location of billboards.* Lamar does not seem to argue that Utica's interests relating to public health, safety, and traffic are invalid on their face. *Lamar argues instead that Utica's discretion to exempt signs on city-owned property undermines these interests.* This Court is satisfied that the inquiry of whether exemptions undermine the stated interest in regulating speech is separate from the issue of the significance of the stated governmental interest.
>
> * * *
>
> *The parties dispute whether the zoning ordinance is narrowly tailored to serve the City's purported interests,* particularly *in light of the provision permitting the City to waive its size and height requirements for billboards on city-owned property.*
>
> * * *
>
> *In the instant case, Plaintiff does not challenge the ordinance provisions regulating size and height alone, but rather* the size and height restrictions in conjunction with *the Planning Commission's ability to waive those same restrictions for identical signs on city-owned property.* "Exemptions from an otherwise legitimate regulation of a medium of speech may be noteworthy for a reason quite apart from the risks of viewpoint and content discrimination: *They may diminish the credibility of the government's rationale for restricting speech in the first place.*" [Citation omitted.]
>
> * * *
>
> In the case at bar, *this Court cannot find that the City of Utica's ordinance regulating the size, height and location of billboards, in light of its plenary power to waive these requirements for billboards located on city-owned property, is narrowly tailored to further its concededly significant interests. . . .* The City of Utica does not suggest that its esthetic and traffic concerns apply any less to city-owned property than to private property. The City of Utica argues that "[b]ecause the subject ordinance applies to a great deal of property; i.e., the entire geographic area of the City of Utica, it is unlikely that the exemption, applicable to city-owned property only, would cover a large enough area to 'undermine the

> credibility of the government's explanation for restricting speech.'" [Citation omitted.] Utica offers nothing to substantiate this assertion.
>
> This Court finds that there is no genuine issue of material fact as to whether the ordinance is narrowly-tailored to achieve its otherwise valid regulatory interests and that Lamar is entitled to relief as a matter of law.

2011 WL 1641770, at *5-8 (emphasis supplied).

This Lamar-Utica decision also involved another constitutional issue: whether the decision-making process by City officials constituted a prior restraint on free speech.

The district court did not grant summary judgment on the prior restraint issue for either party, and held that there was a fact issue on the prior restraint claim; "Whether the zoning ordinance contains sufficiently narrow and objective non-discriminatory criteria for considering billboard proposals remains a question of fact for the trier of fact." A few weeks after the decision was reached and in light of the finding of unconstitutionality due to the lack of narrow tailoring, the City of Utica settled the case.

However, the case is a clear warning signal when it comes to carving out exceptions for city property or city right-of-way for one or more billboard companies, especially where exceptions are created that are contrary to adopted policy provisions, such as the long term Goals in the General Plan's Land Use Element for Community Enhancement.

Whether or not the City is a monopolist in the supply of commercial advertising space[viii] is not the constitutional question. The question is whether there is narrow tailoring that meets the constitutional test for time, place and manner restrictions on speech, given the overall regulation of signage and the goals sought to be achieved. The very fact that this is an unsettled area of the law makes a municipality like the City of Utica a target where there is a financial windfall for the challenger if the litigation option is successful. This windfall may serve as an incentive for outdoor advertising companies to target cities that unwisely carve out exceptions like the one now before the City of Oceanside.

To protect the City of Oceanside from constitutional challenges based upon a failure to abide by the narrow-tailoring requirement for content-neutral speech regulations, and/or based upon a lack of concrete, nondiscriminatory guidance to avoid either a prior restraint on speech argument or a lack of due process due to unfettered discretion, I would urge the following steps be considered:

1. Delete the second sentence in the definition of "Animated sign."

2. Delete the newly proposed Section 3318.

3. In the newly proposed Section 3305.Q, delete the language ", excepting therefrom signs permitted pursuant to Section 3307, Comprehensive Sign Package."

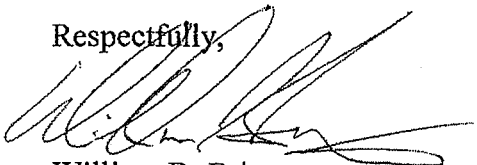
4. Delete the revisions to the Comprehensive Sign Package in Section 3307.

[Note: These recommendations are necessary in my judgment to protect the City of Oceanside from future litigation with unknown outcomes. Such litigation could be very damaging to the City's interests as set forth in its twenty-five year old General Plan for Community Enhancement and its Goals. It is possible that adverse outcomes in litigation could lead to a proliferation of digital billboards across the community, as well as a proliferation and spread of on-site digital signs (rapidly changing or flashing) across the City's landscape.]

5. I would also recommend that the City consider returning to the previous provisions pertaining to government kiosks for directional information that is tightly structured as to a governmental purpose, and not opening the door to commercial messages being delivered in a format that may be distracting to either pedestrian or vehicular traffic. Without changes to those provisions, there is a risk of constitutional challenge against the City.

I trust that this information will be helpful and given careful attention by those with whom you may share the same.

Respectfully,



William D. Brinton

Attachment

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[i] These include participation as co-counsel in the defenses of federal actions brought against the cities of Gardena, CA and Huntington Park, CA, as well as amicus briefing before the United States Ninth Circuit in support of positions taken by the City and County of Honolulu, Hawaii, Riverside County, CA, City of Chula Vista, CA, City of Lemon Grove, CA, City of San Diego, CA, and City of San Carlos, CA.

The amici curiae that I have represented over the past ten years include the International Municipal Lawyers Association, the National League of Cities, the American Planning Association, The League of California Cities, California State Association of Counties, Riverside City, CA, City of Oakland, CA, City of Berkeley, CA, City of Beaumont, CA, Boulder City, NV, Scenic America, Inc., Scenic California, Inc., the Alabama Municipal League, Scenic Alabama, Inc., the Association County Commissioners of Georgia, the Georgia Municipal Association, Scenic Georgia, Inc., Houston Northwest Chamber of Commerce, Texas Municipal League, Texas City Attorneys Association, Scenic Texas, Inc., Scenic Maryland, Inc., the Florida League of Cities, Inc., the Florida Association of Counties, Inc., Citizens for a Scenic Florida, Inc., APA-Maryland Chapter, APA-Florida Chapter, and the Georgia Chapter of the American Planning Association, Inc.

[ii] My practice has involved representing governmental and other interests at the First Circuit, the Third Circuit, the Fourth Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, and the Eleventh Circuit, as well as a matter that was recently before the Arizona Court of Appeals involving digital billboards, wherein I represented amicus curiae in support of the appellants. My bio is available at the firm's website, www.rtlaw.com, and has more information in connection with my practice.

[iii] The General Plan provides: "The purpose of the Land Use Element is to describe present and planned land use activity that has been designed to achieve the community's long-range objectives for the future. The Land Use Element and Map identify the proposed general distribution, location, and extent of land uses such as industrial, commercial, residential, institutional, agricultural, open space, and community facilities. The element contains goals, objectives, policies, and implementation programs, along with maps and diagrams that outline the future land uses within the City and within specific planning areas. The element also provides direction related to how future development will occur, such as the intensity/density and character of new development. The element also addresses the relationship between development, community enhancement, and natural resource management."

[iv] In fact, commentators of all political persuasions bemoaned the diminution of beauty across the country. Stewart Udall observed at the time that we live "in a land of vanishing beauty, of increasing ugliness, of shrinking open spaces, of an overall environment diminished daily by noise, pollution and blight." Stewart L. Udall, *Forward* to The Quiet Crisis, at viii (Avon Books 1964). William F. Buckley, Jr. labeled billboards as "acts of aggression" against which "the public is entitled, as a matter of privacy, to be protected." William F. Buckley, Jr., *The Politics of Beauty*, Esquire, July 1966, at 53. A former advertising executive declared: "Nor is it possible for you to escape, the billboard inflicts itself unbidden upon all but the blind or the recluse." Howard Luck Gossage, Is There Any Hope for Advertising?, at 113 (Kim Rotzoll, Jarlath Graham and Barrows Mussey eds., University of Illinois Press 1986).

[v] The pamphlet *Signs of Civilization* included the following statement: "The business people of the La Jolla Town Council believe in advertising. In fact, we live on advertising! But at a certain point, good taste comes into the picture. We are *not* going to go the way of most of the rest of California. *We are not going to let our town be blighted by the uncontrolled clutter of unsightly signs.*" (Emphasis in original).

[vi] In this Arizona appeal, I represented amicus curiae and, as previously noted, I filed a brief in support of the appellants' position.

[vii] If the City is resolved to make exchanges of digital billboards for the removal of one or more traditional, nonconforming billboards, the City should reconsider the trade ratio. Contrast the proposed two-for-one ratio with those of other jurisdictions: the City of Hayward, California (5-for-1), the City of Stuart, Florida (7-for-1), the City of Tampa, Florida (10-for-1), Pinellas County, Florida (4- or 8-for-one, depending on the message dwell time), and the City of Tacoma,

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Washington (where one billboard company agreed to remove 53 existing billboards and to surrender 100 billboard permits in exchange for the right to erect 10 digital billboards).

[viii] In a footnote in Metro Lights, L.L.C. v. City of Los Angeles, 551 F.3d 898, 914, n. 13 (9th Cir. 2009), reference is made to the First Amendment as not prohibiting municipal monopolies. However, the same footnote notes that a city must still show that an ordinance is "narrowly tailored" to survive First Amendment scrutiny. This is the danger a city faces when it creates exceptions, especially when those exceptions appear to run afoul of the underpinnings of its sign regulations, i.e., aesthetics and traffic safety, and even more so if the exceptions are tied to the payment of money to the local government to do something in a matter of speech (signage) on its own property that is barred to others on private property. The same danger exists when a city makes special exceptions for speech for large powerful commercial interests and denies similar exceptions for speech to smaller commercial interests that do not enjoy the same political or financial clout.

INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION

Work Session IV

The Writing on the Wall
The Law of Signs and Billboards

by

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IV. HOT TOPIC: THE DO'S AND DON'TS OF SETTLEMENT AGREEMENTS: Preserving Future Regulatory Authority (Copyright 2009 William D. Brinton)

1. Do Not Settle What You Are Not Litigating.

A new problem confronting local governments stems from settlement agreements that pertain to issues that were never an issue in the underlying litigation, and that have long-term consequences for land use. The most stunning example of this problem has been the settlement of litigation involving the constitutionality of permit fees. Although the disputes only involved permit fees, the settlement agreements provided rights to convert hundreds of static billboards to digital billboards. Such settlements have led to new litigation and confusion among lawmakers as to how their local governments came to give up rights that were not in question in the litigation.

This trend is likely to continue, as billboard litigants have learned that they can obtain concessions that they would be hard pressed to obtain through the normal ordinance adoption process.

2. The Two Most Common Scenarios.

A. Where a Local Government Does Not Allow New Billboards.

1. Consider the Reasons Not to Settle.

There can be unforeseen consequences to a settlement. One consequence may be branding a local government as a target for further lawsuits if it is perceived as a government that will aquiesce if sued. A frequent tactic for many billboard plaintiffs is to sue for a certain number of billboards, knowing that it will not succeed in obtaining all of the proposed billboards, and then to settle for half that number. This will lead to copycat suits where a different billboard company (maybe with the same lawyer) will pursue the same tactic. Some local governments may mistakenly believe that securing a covenant not to sue in the future from the litigating plaintiff will provide protection, but this will have little impact where a government is branded as an easy touch.

Nearly every government that has stood its ground has not been forced to allow new billboards.

2. Settlement for Limited Duration.

Billboard plaintiffs are interested in money and the value that a billboard can bring as an asset to operate or trade. The value of a billboard remains high even if it has to be removed at the end of ten or fifteen years. Of course, the presence of an unwanted billboard structure on the landscape can have consequences for a much longer period of time. There is no reason why a billboard plaintiff will not settle for an arrangement where an unwanted billboard structure will eventually have to be removed.

3. Disgorgement Remedy.

Settlement agreements are often breached in later years, and local governments must go back to court to enforce the agreements. The reason for the breaches is usually money. When a new billboard is unlawfully erected or enhanced, or an existing billboard is not removed according to a settlement schedule, the noncompliance may be related to how much money can be generated by the breaching party after legal fees, modest fines, and the like. The solution is to have a disgorgement remedy as part of a settlement, or written into the law, so that any revenue received by the offending person or entity must be disgorged, either to the local government or otherwise. There should be no incentive for a party to breach an agreement.

4. Specific Performance.

This is relatively straightforward, but every settlement agreement should expressly provide the right of the local government to specific performance.

5. Attorneys' Fees If Future Legal Enforcement Action Is Required.

There should be a provision for the recovery of attorneys' fees if future legal enforcement action is required. This should be non-negotiable.

6. Removal of Other Billboards.

Settlement agreements may include provisions whereby other billboards must be removed as part of an overall settlement. These provisions should be quite specific, and provide for remedies if the removals do not occur as agreed and take into every imaginable contingency including changes in state law. Photographic inventories, taken at the time of settlement, can be very helpful.

7. Daily Fine.

In addition to the disgorgement provision, consider a daily fine that goes beyond simple disgorgement as among the remedies in the event of a breach.

8. Self-help Without Impairing or Limiting Any Other Remedy.

There should be a provision that expressly provides the local government to self-help, so to speak, for removal of a structure if it is not removed on the agreed-upon schedule without having to first go to court. As long as an illegal billboard remains standing and operating, it provides a revenue stream that entices continued unlawful behavior.

9. Binding on Successors and Assigns; Transfer Agreement.

A settlement agreement should expressly provide that it is binding upon successors and assigns, and a written acknowledgment of that provision by a successor or assignee should be a requirement every time the ownership of a structure under a settlement agreement is transferred or conveyed to a third party. There should be a recording of the settlement agreement in the official records so that there is additional notice of the settlement provisions.

10. Guaranty.

If a settling company is owned or controlled by a third party, there should be a guaranty of the settling party's obligations by the third party. The guaranty should run to all of the obligations of the settling party.

11. Incorporate into a Final Judgment.

A settlement agreement that has continuing obligations should be incorporated into a stipulated final judgment entered by the court, and thereafter recorded.

12. Enforcement Rights by Third Parties.

If there are third parties whose interests are aligned with the local government's interests, especially in connection with enforcement issues, consider inclusion of those third parties in the settling document or in connection with enforcement rights under the agreement. This could prove to be beneficial to local governments if and when agreements are breached down the road.

13. Waiver of Rights to Compensation for Removal or Takings of Billboard Structures for Public Improvements.

A local government should request a waiver of rights to compensation for the removal or takings of billboard structures for public improvements as part of any settlement agreement.

14. How State Law and the Federal Highway Beautification Act May Impact Settlement.

There are a multitude of ways that current or future state law, or the federal Highway Beautification Act, may impact a settlement agreement. Be sure that you are familiar with these current laws, and give careful consideration to what consequences may result from adverse changes in state law.

15. Impact of Billboard Reduction through Attrition.

Billboards do fall to attrition, with a minimum attrition rate of 1-½% to 2% per annum being typical. Be careful that attrition of unwanted billboards is not lost through

rebuild, cap, or relocation provisions. The City of Houston is a great example of the role of attrition over the years in improving urban blight.

B. Where Existing Billboard Inventory Is Impacted Through Required Removals.

1. The Settlement Agreement Should Include Color Photographs Of Every Site Where There Is a Billboard.

Given the track record of the industry in making unlawful changes or conversions to existing billboards after a settlement, it is critically important to have extensive color photographs of all billboard structures in place so that unlawful changes can be identified and proven and corrective action can be taken.

2. The Settlement Agreement Should Include an Exhibit Listing the Location and Features of Each Billboard Structure.

Every settlement agreement should have an exhibit listing each structure, along with the physical characteristics, date of construction, owner of the underlying real property and lot/parcel id, and other information that would be appropriate for future enforcement.

3. Annual Reporting of Inventory.

The billboard company should be required to provide an annual report of its inventory that can be compared with the previous year and the original settlement exhibit(s). This should be carefully reviewed and checked for compliance.

4. Photographs of Compliance.

As billboards are removed or altered to comply with a settlement arrangement, the billboard company should provide photographs showing proof of compliance.

5. Impact of Billboard Reduction through Attrition.

As mentioned above, attrition is a factor that works in favor of a local government. This should be tracked over time, as well.

3. The Biggest Don'ts.

A. Avoid "Cap And Replace" and "Cap and Trade" Provisions.

"Cap and Replace" or "Cap and Trade" provisions (capping the number of billboards and allowing their replacement) should be avoided. They can create a host of problems and unintended consequences. Any cap should be for a limited period of time and should in no way prohibit a continuing reduction of billboards. Members of the billboard industry

are using Cap and Replace provisions to build a minimum floor for a billboard inventory, and then billboard industry players are pursuing ways to increase that minimum floor to an ever-higher number. The result is an ever-increasing minimum number of billboards within a given jurisdiction to the surprise of citizens and elected officials alike. Any protection afforded to billboard inventories should always be temporary and for a specific purpose.

The best way to deal with the billboard problem is to halt new construction and find ways to accelerate the removal and reduction of existing billboards beyond normal attrition. Normal attrition through lease terminations or Acts of God (storms, etc.) usually results in the loss of 1% to 2% of billboard inventory per year. If a city stops new construction, the passage of time will result in fewer and fewer billboards.

B. Do Not Provide for an Agreement to Be in Perpetuity.

Never enter into an agreement in perpetuity that will allow a minimum number of billboards to be maintained in a jurisdiction. In the first place, especially in states where there is zoning, such agreements will be viewed as *ultra vires* absent some sort of enabling legislation. In the second place, it is just bad public policy to tie the hands of future planning commissions and legislative bodies. An agreement in perpetuity rewards potential gamesmanship and may even encourage illegal lobbying or other activities by precluding an elected body from reversing a mistake once made.

C. Avoid Trades of Old Billboards for LED/Digital Billboards.

LED/Digital Billboards are regarded in the scenic and planning communities as a more damaging assault on aesthetics and traffic safety than static billboards.

The introduction of an LED/Digital Billboard onto the landscape may have unintended long-term consequences. The mandatory removal of such a single such billboard in the future may well cost over $2-3 million today, and an ever-increasing sum in the future.

While gaining the immediate removal of older billboards is a laudable goal, it is a mistake if they will be substituted for even one Digital Billboard that may remain on the landscape for up to seventy (70) years or more. It is far more effective over time to follow the successful policy of halting construction of any new billboards and working on ways to accelerate the removal of older existing billboards.

By allowing LED/Digital Billboards (called television billboards by some) it is likely that one day a challenge will be made to regulations that otherwise preclude such signage by questioning the city's actual interests in aesthetics and traffic safety and thereby jeopardizing the regulation of signage.

D. Avoid a Situation Where a Local Government Receives Money for the Allowance of Billboards on Government Property, and thereby Creates Endless Potential for Future Equal Protection and First Amendment Claims by Competitors.

There is a new trend today whereby outdoor advertising companies are offering money to local governments to allow the placement of billboards on public property - essentially the same arrangement offered to owners of private property through leases or easements for the placement of billboards. If the former is allowed, and the latter prohibited, a local government faces challenges both on Equal Protection grounds and First Amendment grounds. A court is likely question why a billboard is more aesthetically pleasing if located on public property than on private property, or why a billboard on public property is less a threat to traffic or pedestrian safety than if located on private property.

Looking the other way when money is offered to a cash-strapped local government is the worst action a local government can take. It may well lead to the ultimate undoing of a city's sign regulations and provide a bottomless chasm of future litigation that will drain any economic benefit that might have been envisioned.

E. Avoid Allowing Large Offsite LED/Digital Signs (Billboards), and Thereby Jeopardizing Regulation of Smaller Onsite LED/Digital Signs.

With outdoor advertising companies aggressively threatening and bullying local governments to allow LED or Digital billboards, what happens to the regulations for onsite signs that prohibit or limit LED or Digital signs?

To the extent that a settlement agreement allows giant LED or Digital signs, a local government may face new legal challenges to its onsite sign regulations or other offsite sign regulations that do not allow such displays.

There are certainly arguments that may protect a local government from such challenges, but those challenges will be advanced nonetheless.

[End of Part IV - The Dos and Don'ts of Settlement Agreements]
[End of Presentation]

Amy Fousekis

From: Amy Fousekis
Sent: Monday, April 02, 2012 3:11 PM
To: Amy Fousekis
Subject: FW: Written Comment on Oceanside Sign Ordinance Amendment
Attachments: Oceanside.March2012.pdf

-----Original Message-----
From: Andy Boden [mailto:bode@astro.caltech.edu]
Sent: Tuesday, March 27, 2012 2:59 PM
To: Holly Trobaugh
Cc: Dan McKenna; Hall Dailey
Subject: Written Comment on Oceanside Sign Ordinance Amendment

Dear Ms. Trobaugh (and to whom it may concern):

I am writing on behalf of Palomar Observatory and the California Institute of Technology. We wish to express our concern over aspects of the proposed Oceanside Sign Ordinance Amendment (LCPA11-00002, ZA11-00004) described at

http://www.ci.oceanside.ca.us/gov/dev/planning/signamendment.asp

to be considered at the public hearing scheduled for tomorrow 28 March 2012, and particularly as the proposed amendment pertains to potential light pollution from digital billboards. Attached please find a letter that describes our concern more fully. If I could please ask that you forward our correspondence in this matter to the Oceanside City Council we would very much appreciate it.

Thank you in advance for your time and concern in this matter. With all best wishes from Caltech and Palomar Observatory,

- Andy Boden

--

Andy Boden bode@astro.caltech.edu
Deputy Director http://www.astro.caltech.edu/~bode
Caltech Optical Observatories 626/395-4035
1200 E California Blvd, MS 11-17 Pasadena, CA 91125

CALIFORNIA INSTITUTE OF TECHNOLOGY

CALTECH OPTICAL OBSERVATORIES 11-17
PASADENA CALIFORNIA 91125-1700

27 March 2012

Oceanside CA City Council
& Ms. Holly Trobaugh, Oceanside City Clerk
300 North Coast Highway
Oceanside CA 92054
htrobaugh@ci.oceanside.ca.us

Dear Oceanside City Council Members, Ms. Trobaugh, (and to whom it may concern):

Hi, my name is Andrew Boden, and I serve as the Deputy Director for Caltech Optical Observatories, the administrative home for Palomar Observatory at the California Institute of Technology. I am writing you here to comment on your forthcoming public hearing on the Amendment to the Sign Ordinance (LCPA11-00002, ZA11-00004). While my schedule prevents me from participating in the scheduled public hearing on 28 March 2012, I and my colleagues do appreciate the opportunity to submit comments on this matter in writing.

We at Palomar Observatory are deeply grateful for the longstanding partnerships we have enjoyed with many San Diego County communities in general, and Oceanside in particular. The commitment of our neighbors in working to control stray light in San Diego County skies has served all our interests – in both the perceived quality of local residents' lives and the continuing pursuit of Palomar's astronomical research mission. Without your support, Palomar's access to the night sky is significantly decreased by scattered light from artificial sources – colloquially known "light pollution". Such light pollution inhibits our abilities at Palomar to detect and measure light from astronomical sources. Without this access to the San Diego night sky astronomical research at Palomar and similar facilities is severely compromised.

Among the items being considered in the proposed Sign Ordinance Amendment listed above is the approval of "Electronic" or "Digital" Billboards in Oceanside (e.g. section 3318 in the subject amendment). As you are undoubtedly aware, Ocenside is among many communities in the United States considering the use of such digital billboards. While these devices may have many positive attributes, it is also undeniable that they greatly enhance the amount of stray light in the environment. Further, the stray light that is introduced is typically "broad-band", meaning that is practically impossible to devise spectral methods to filter astronomical measurements to preferentially exclude this light. In addition, the placement of digital billboards in Oceanside is almost sure to expand their use in neighboring North San Diego County communities, further degrading the lighting environment. Consequently, Palomar Observatory and the astronomers that use it are concerned that the approval of the subject Sign Ordinance Amendment could

significantly degrade Palomar's effective access to the night sky. Thus we join many other voices who urge their local communities to forego adding digital billboards to the lighting environment. For your information below please find references to press coverage and position statements in similar cases which discuss astronomy-related digital billboard issues more extensively than we can here.

In closing, we appreciate Oceanside's history of cooperation on light pollution issues; your cooperation has tangibly supported the scientific successes of Palomar Observatory. We further appreciate your consideration of our opinion in the subject sign ordinance amendment. We respectfully request that you deny the introduction of digital billboards into the Oceanside environment.

With Kindest Regards,

Andrew Boden
Deputy Director, Caltech Optical Observatories
California Institute of Technology

References:

- In Arizona – a bill (HB 2757) authorizing such digital billboards is strongly opposed by astronomy-related group – please see http://azstarnet.com/business/local/astronomers-reject-lights-out-proposal-for-digital-billboards/article_413979b5-bc9d-580a-9f70-fae4fc8225ae.html
- The International Dark Sky Association (http://www.darksky.org) strongly advocates against the use of digital billboards in general, and in particular in areas near sites for astronomical research and viewing – please see http://www.darksky.org/index.php?option=com_content&view=article&id=825

Amy Fousekis

From: Amy Fousekis
Sent: Monday, April 02, 2012 3:09 PM
To: Amy Fousekis
Subject: FW: Electronic Billboards in Oceanside

-----Original Message-----
From: Scott Kardel [mailto:wskardel@darksky.org]
Sent: Monday, March 26, 2012 3:06 PM
To: City Council
Cc: John Mullen; Peter Weiss
Subject: Electronic Billboards in Oceanside

To the Mayor and Council of the City of Oceanside,

I am writing to you to express concern that the City of Oceanside is considering allowing the use of electronic billboards. This seems to be in direct conflict with the City's existing ordinance on light pollution that seeks to "restrict the permitted use of certain light fixtures emitting into the night sky undesirable light rays which have a detrimental effect on astronomical observation and research".

Allowing electronic billboards would reverse these night sky protections that are in place for your citizens and the astronomers at Palomar Observatory. Nighttime use of electronic billboards makes them a tremendous source of light pollution. Much of the light emitted from these excessively bright devices directly brightens the night sky making them a significant threat to astronomical research, one of Southern California's most valuable economic and technical assets.

While the light of an LED electronic billboard does not shine directly upwards, it instead is projected sideways at angles that are above the horizontal. Research has shown that light emitted in this direction produces more light polluting skyglow than light emitted at higher angles, and that the effects of this low-angle light are visible over a much broader area.

Astronomers in Arizona oppose the use of electronic billboards and have proposed the creation of a 80-mile buffer zone that would keep them away from that state's observatories. Oceanside is just 31 miles from Palomar Observatory. It is certain that the use of electronic billboards in Oceanside would further brighten the skies in the City and have a negative impact on the observatory's nightly astronomical research programs.

Electronic billboards are significantly brighter than standard billboards and the reach of their sideways-directed light extends far beyond the roadways, making them an annoying source of light trespass, not just for motorists, but also for anyone in their path.

Given the legitimate concerns expressed by others regarding electronic billboards' excessive energy use, their potential as a distraction to roadway motorists and the reasons provided above, I request that you follow the recommendation of the Oceanside Planning Commission and vote against allowing electronic billboards in your community.

Sincerely,

W. Scott Kardel

International Dark-Sky Association

email: wskardel@darksky.org
phone: 520 293-3198 ext. 402
website: www.darksky.org

Please help preserve and protect the nighttime environment and our heritage of dark skies by joining or contributing at www.darksky.org.

Amy Fousekis

From: Jerry Hittleman
Sent: Monday, February 13, 2012 11:34 AM
To: Amy Fousekis
Subject: FW: Electronic Signage In Oceanside

fyi

From: Vickie Prosser **On Behalf Of** Jack Feller
Sent: Monday, February 13, 2012 10:34 AM
To: 'Mike Andrioff'
Cc: Jerry Hittleman
Subject: RE: Electronic Signage In Oceanside

Dear Mr. Andrioff:

Deputy Mayor Feller received your e-mail yesterday and I am forwarding it to our Planning Department for their records, as the issue is actually being heard by the Planning Commission this evening – not the City Council. If the issue comes to the City Council he will definitely keep your thoughts in mind during deliberations on this item.

Thank you so much for taking the time to write.

Sincerely,

Vickie A. Prosser, Aide to
Deputy Mayor Jack Feller

From: Mike Andrioff [mailto:mandrioff@amawave.com]
Sent: Sunday, February 12, 2012 9:43 AM
To: Jack Feller
Subject: Electronic Signage In Oceanside

Dear Councilman Feller,

I am writing regarding the consideration of Electronic Signage in Oceanside. Any trip to Los Angeles reminds us what a blight electronic signs are to the visual appeal of a community. More importantly, they are distracting and unsafe. There are many additional unattractive ways to raise revenue for the city. Prostitution and Marijuana disensaries are two very profitable industries, but both also highly undesirable in our neighborhoods. At your meeting this Monday, please do not be the City Council whose legacy will be allowing electronic signs into our beautiful city. We will all have to live with your decision for a very long time. Thank you for your outstanding service to Oceanside.

Best Regards,

Mike Andrioff
Amawave, Inc.
3756 Southridge Way
Oceanside, CA 92056

PH: 760-414-9660
FX: 760-414-9675
Email: mandrioff@amawave.com

January 23, 2012
Via Regular Mail and Email

City Manager Peter Weiss
City Planner Jerry Hittleman
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Re: Sign Ordinance Workshop

Dear Mr. Hittleman and Mr. Weiss:

Thank you for sending the first draft of the Sign Ordinance for our review. At this time, we take this opportunity to provide our comments for consideration. Please note that I will be attending the workshop and look forward to working with the City on this issue.

At the outset, and as set forth in our letter dated October 18, 2011, it remains our position that any expansion of billboards, both LED and static, should not be permitted in the City and in particular on the Interstate 5.

<u>§3302 Basic Principles K Billboard Policy</u>

Herein, the exception to the billboard prohibition in the last sentence raises concerns inasmuch as we are unaware of the nature or extent of the agreements to relocate signs. Furthermore, we are unaware of the parties to agreements and the nature in which the City may be bound under any agreements. Finally, it is unclear whether the exception is limited to agreements in existence on the effective date of the ordinance, or is subject to future agreements to relocate.

121 Brooks Street • Oceanside, California 92054 • (760) 439-6988 Fax: 866-741-3701
E-Mail: oceans@oceans11.com • www.oceans11.com

Accordingly, it is respectfully submitted that the following information be provided at or before the workshop:

1. Identify all pre-existing agreements, including, the parties to the agreement and the number of signs that are the subject of the agreement;

2. State the basis on which the City is bound by these agreements if between other parties, and the City's ability to regulate where these signs may be relocated;

3. Identify precisely all locations adjacent to freeways and highways where the signs may potentially be permissibly re-located; including, freeways, offramps, parcels, addresses, etc.;

4. State whether the exception is limited to agreements in effect on the effective date of the ordinance, or whether new agreements could apply thereafter;

<u>§3303 Definitions – City Property</u>

1. Please identify all parcels of land along any freeway or highway systems running through City limits that is owned or controlled by the City and related entities, or within the public right-of-way subject to the installation of a relocated LED sign (see §3302-K)

<u>§3304 Signs Allowable Subject to Sign Permit – Freestanding Signs</u>

1. Total Sign Area - It is respectfully submitted that the proposed total message area of an LED freestanding sign is woefully inadequate for most freeway adjacent freestanding on-site signs. In particular, the casino would be limited to a mere 150 square feet (10x15 sign). Rather, the message area of an on-site freeway adjacent LED freestanding sign for a business with a building in excess of 20,000 square feet must be allowed to be up to 672 square feet to be effective and compete with relocated LED billboard signs that are typically 48 x14 feet. Accordingly, it is respectfully requested that an exception be granted for freeway adjacent on-site LED freestanding signs.

2. Total Sign Height – It is respectfully submitted that the proposed total height area of an LED freestanding sign is woefully inadequate for most freeway adjacent on-site signs. By example, the height of the casino's current freestanding sign is approximately 33 feet and is difficult, if not impossible, to see while traveling southbound on Interstate 5 and provides limited visibility northbound on Interstate 5. Rather, the height of freeway adjacent on-site signs should be permitted to be up to 45 feet. Accordingly, it is respectfully requested that an exception be granted for freeway adjacent on-site LED freestanding signs.

General

1. Does the City have the ability to regulate content of off-premises signs that seek to display commercial messages designed to compete with Oceanside businesses; or to regulate the location of off-premises signs that wish to advertise competitive content such that the area is not flooded with a specific type of advertising only? This is an area of great concern as it would be detrimental to the City and local businesses if hospitals, car dealerships, shopping centers, or casinos, ***located outside the City of Oceanside***, were allowed to advertise their products or services, thereby potentially driving these valued Oceanside businesses away. Furthermore, an area would potentially be blighted if multiple signs were permitted to advertise casinos in close proximity to the proposed Oceans 11 casino sign. This is of great concern to us as a business owner and for aesthetic purposes.

2. The City should impose limitations and restrictions on the proximity of LED off-premises and on-site signs to each other. While the ordinance discuses the number of signs a property owner may have (§3304-1), there is no mention of the required distance between signs on adjoining or neighboring properties. In this regard, we believe that it would be prudent to prohibit any LED signs within one (1) mile of each other based on the earlier permit issued in the affected area.

3. How does the Ordinance apply to a conversion of a static freestanding sign to an LED sign? Perhaps the City can comment on the permits or issues that apply. Would it require a Comprehensive Sign Package?

4. Do relocated signs have to submit a Comprehensive Sign Package for approval and public hearing?

5. Please clarify what becomes of signs that were legally installed but which become non-conforming as a result of the new ordinance; and how the Amortization Period is applied.

You may contact me by email at mark@oceans11.com, or on my cell 949-677-1840 at any time to discuss these issues further.

As always, thank you for the opportunity to address these issues.

Sincerely,

Mark Kelegian
Managing Partner

cc: Mayor Jim Wood
Deputy Mayor Ester Sanchez
Council Member Gary Felien
Council Member Jack Feller
Council Member Jerome Kern
City Attorney John Mullen
Principal Planner Amy Fousekis

Amy Fousekis

From: JAranAtty@aol.com
Sent: Monday, January 23, 2012 12:10 PM
To: Amy Fousekis
Subject: Comments on draft sign code revisions

January 23, 2012

TO: Planning Commission
City of Oceanside
ATTN: Amy Fousekis Development Dept.

FROM: JEFF ARAN, Esq
Director of Government Affairs
916.395.6000
www.calsign.org

RE: Proposed Sign Code Revision – JAN 23 Workshop Comments

On behalf of the California Sign Association and its customers, we submit herewith a few brief comments and concerns regarding the initial proposed sign code revision, draft dated 12/23/11. Please kindly circulate to the Planning Commission and other interested participants.

Overall, the revision appears to provide a reasonable opportunity for businesses to adequately and effectively communicate through signage. As a practical matter, though, the rewrite is a bit challenging to follow and seems to be weighed down with legalese. In our experience, having evaluated hundreds of codes from across the country, "user-friendly" should be the objective, and usually results in greater compliance and more effective enforcement efforts.

Additionally, there are several areas of concern which we request the City reassess:

Intent/Basic Principles Section 3301-3023

This section should also state that the intent of the code is to promote commerce.

A little background: In California, signage rights are speech and property rights. We respectfully remind the City that counterbalancing the government's right to regulate signs is the right of a property owner to make a reasonable use of his land or the right of a business person to conduct a business. The right to advertise is a property right. (*Serve Yourself Gas etc. Assn. v. Brock,* 39 Cal. 2d 813, 819; *Carlin v. Palm Springs* (1971) 14 Cal.App.3d 706.) The right to advertise also represents the exercise of the right of free speech. (*McKay*

Jewelers, Inc. v. Bowron, (1942) 19 Cal. 2d 595, 605.) The right of free speech necessarily embodies the means used for its dissemination. (*Wollam v. Palm Springs (1963)* 59 Cal. 2d 276, 284.). Thus, as a matter of law, signage rights are speech and property rights, for which wrongful denial, loss thereof or enforcement against, constitutes potentially irreparable harm and denial of civil rights.

The US and California Supreme Courts have adopted a four-part test to determine the constitutionality of commercial speech regulations:

> *That standard asks (1) "whether the expression is protected by the First Amendment," which means that the expression "at least must concern lawful activity and not be misleading"; (2) "whether the asserted governmental interest is substantial"; if yes to both, then (3) "whether the regulation directly advances the governmental interest asserted"; and (4) "whether it is not more extensive than is necessary to serve that interest." Gerawan Farming v. Kawamura* (2004) 33 Cal.4th 1, 20-24, citing *Central Hudson v. Pub Serv. Commsn* (1980) 447 US 557, 561.

Thus, a speech or sign code restriction will likely be found unconstitutional unless the City can show a "substantial interest" in regulating signs on the basis alleged, and show the regulation directly advances that interest in a manner that is "not more extensive than necessary."

Definitions - 3303

Permanent Sign: Typo – should be "5490(b)," not "5409."

Temporary Signs: Given the variety of signs that may be temporary – everything from real estate for sale signs, auto dealer signs on vehicles, and restaurant "specials" -- use of the word "flimsy" to describe sign material is insufficient to describe a temporary sign. Temporary signs are temporary either based on material or duration of the display. Clarity being the objective, we urge the City to rethink just exactly what it seeks to regulate by this definition.

Redevelopment Signs: All of the sections relating to signs in redevelopment zones appear to have been drafted prior to the recent Supreme Court ruling and should re-evaluated for consistency with the decision.

Historic District Signs: The part which states, "Such signs may not compete with one another in terms of visibility," is vague and ambiguous. Signs *are* intended to be visible. We see no functional purpose for this sentence and suggest it be deleted. Also, it is inconsistent with the intent of the ordinance.

Digital / Electronic Message Signs (several sections)*:* It's not clear whether digital signs *are* permitted, except in residential, Mission historic and Small Craft harbor zones, and by CSP for projects with three or more uses or "separately leaseable" tenancies. The presumption is that individual businesses may install digital signs, but the code language and rationale is not clear to us; so we urge the city to clarify. There are many circumstances where single projects, such as hospitals, gas stations, pharmacies and hotels, wish to utilize digital technology. We urge the City to include language allowing single tenancy digital signs where appropriate; to limit them (apparently) to parcels with three or more uses is unreasonably restrictive.

~ The section requiring "compatibility" with other signs on the site and in the vicinity is also troubling, as it opens the process to subjective analysis, even with a definition. Digital signs are different by design. They can be installed freestanding or within other signs, but just what the city expects is ambiguous to a fabricator or applicant.

~ We also recommend the city adopt the "4-second" display rule established by Caltrans, in lieu of the proposed 8 seconds. See Business Professions Code 5405(d)(1), 5490.5.

Inventory of Illegal/Abandoned signs

Lastly, the City may be required to conduct an inventory of illegal and abandoned signs prior to enforcement of the new code. See Business & Professions Code 5491.1.

We look forward to further dialogue with the City on these issues as the revisions progress.

Sincerely,

CALIFORNIA SIGN ASSOCIATION

CC: International Sign Assn.

INTERNATIONAL SIGN ASSOCIATION

January 23, 2012

Planning Commission
City of Oceanside
Attn: Amy Fousekis - Development Department

RE: **Proposed Sign Code Revision – JAN 23 Workshop Comments**

I am contacting you on behalf of the International Sign Association. The International Sign Association (ISA) is devoted to supporting, promoting and improving the on-premise sign industry, and represents approximately 190 sign related industries in the state of California.

Thank you for the opportunity to provide the City with the following comments in regards to the proposed sign code.

We have had the opportunity to review the comments that have been made by the California Sign Association and we are in full support of theses comments.

We have concerns with the proposed requirements for electronic message displays.

Section 3306 B. 2.appears to require a Comprehensive Sign Plan for electronic message displays under certain conditions. The Code also proposes section 3307 E. Digital Display Sign Findings. We believe that language in section 3307 E. is vague and will require subjective interpretations by staff. As an alternative to this regulatory approach for electronic message displays we encourage the City to consider developing reasonable standards for electronic message displays that will not require a subjective review process. With reasonable standards for electronic message displays, the City can than allow electronic message displays by right and avoid the subjective review process and determination by staff or the Planning Commission.

We appreciate your consideration of these suggestions. If you have any questions or need any information do not hesitate to contact me at 480-773-3756 or james.carpentier@signs.org.

Best Regards,

James Carpeniter AICP
Manager State and Local Government Affairs

c. California Sign Association

Amy Fousekis

From: Nadia <nadia550@sbcglobal.net>
Sent: Thursday, January 19, 2012 12:21 PM
To: Amy Fousekis; Holly Trobaugh; Bob Neal; Claudia Troisi; Dennis Martinek; Louise Balma; Tom Rosales; Jay Schrivner
Subject: Billboards In California | California lawmakers propose moratorium on digital billboards - Los Angeles Times

To Amy Fousekis, Planner, City Clerk Assistant Trobaugh and PCs,

Has a report on digital billboards on this been issued? (See link http://articles.latimes.com/2009/jan/10/local/me-billboards10)
Also the Federal Highway Authority was also doing a study. Has that been issues yet?

I'm vehemently against digital billboards for our city. Kindly retain my comments for the record.
These signs are trashy/blighting, distracting and have been banned by multiple cities throughout our nation for those reasons.

http://www.usatoday.com/news/nation/2010-03-22-visual-soup_N.htm
http://banbillboardblight.org/?p=747
http://www.topix.com/forum/state/ca/TDDDGCDF3F4EC3GCK

We live in a very fine coastal city- let's value our beautiful area and ban these things. I know from personal experience signs like these are amazingly distracting, particularly if placed along high speed motor vehicle corridors.
If you aren't willing to consider an outright ban, let's place a moratorium until the appropriate studies come in indicating how distracting and unsafe they may be.

Nadine Scott
550 Hoover St.
Oceanside CA 92054
760-803-6813

[Would this even be considered other than the fact that we have a very prominent sign producer in our town?]
http://www.linkedin.com/pub/kevin-s-stotmeister/8/413/aab
http://www.federalheath.com/products

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February 10, 2012
Via Email Only

City Manager Peter Weiss
City Planner Jerry Hittleman
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Re: Sign Ordinance

Dear Mr. Hittleman and Mr. Weiss:

At the outset, we would like to thank everyone for their hard work on this important issue and for considering our comments and concerns.

At this time, we take this opportunity to provide our comments on the revised Sign Ordinance. Please note that I will be attending the Planning Commission public hearing on February 13th and continue to look forward to working with the City on this issue.

Distance Between Digital Signs on Same Side of Freeway

The staff report refers to state regulations that require 1,000 feet between electronic billboards on the same side of the freeway.

However, the proposed ordinance does not include any restrictions on the distance between on-site digital freestanding signs located on the same side of the freeway or street. Similarly, the ordinance does not state any restrictions on the distance between electronic billboards and private on-site digital freestanding signs on the same side of

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E-Mail: oceans@oceans11.com • www.oceans11.com

the freeway or street. Finally, the ordinance does not contain any additional restrictions regarding blocking or impeding the view of existing private on-site digital freestanding signs by subsequent signs.

Accordingly, it is respectfully submitted that the sign ordinance should include these types of restrictions. In this regard, we suggest that the state distance requirement be imposed at a minimum and that consideration be given to even greater restrictions as well as added protections to make certain that signs that are approved first in time are not blocked by subsequent signs.

On-Site Digital Freestanding Sign Height and Area Restrictions

At the outset, I am unclear whether the following language in §3307(B)(2) [pg 33-51] is intended to create a means for a property owner to submit an package for a sign that exceeds the height and sign area criteria:

"The City Planner or Economic and Community Development Director may refer Comprehensive Sign Packages to the Planning Commission or Community Development Commission respectively if he/she finds that the proposal may conflict with the purposes and *criteria* set forth in this Article."

If the intent and scope of this language is to provide a means to seek a variance or permit then no further consideration of this issue is necessary at this time. However, if it is not intended to do so, then please consider the following comments.

As discussed in my prior correspondence and email, it is respectfully submitted that the proposed height and area criteria are such that is impractical for the casino, and any other freeway adjacent Oceanside business, to build a freestanding freeway sign within these guidelines. Simply put, our current 33 foot tall sign can barely be seen from both directions, and a digital screen at that height will be impossible to see. Moreover, the sign area limitations of 150 feet (10x15 sign) likewise make it impractical to build, and impossible to see.

Further, it is critical to note that the sign height and area limitations imposed in the current draft are the strictest limitations in the city survey attached to the ordinance and are applied by only a single city to their street signs not their freeway signs.

The draft ordinance's limitations are virtually identical to the City of Huntington Beach's digital ***street*** sign criteria permit signs that are only 25 feet tall and have an area no greater than 115 square feet. [attachment pg. 1] However, Huntington Beach's sign height and area limits for ***"along the freeway and Beach Blvd."*** are significantly different permitting signs to be 85 feet high with a 1200 square foot sign area. [attachment pg. 2] Further, Huntington Beach's criteria are far more restrictive than the other cities cited.

For example, the city of Long Beach allows 40 foot tall signs on both street and freeway locations, sign area of 300 square feet for street signs, and 675 square feet for freeway signs. Further, the city of Riverside allows freeway adjacent digital signs to be 50 feet tall with 750 square foot areas. Finally, other cities listed in the survey have even more liberal freeway sign criteria than referenced herein.

It is also important to consider that billboards on city property do not have the same height and area limitations; and therefore, Oceanside businesses along the freeway will be at a distinct disadvantage if located near these billboards.

Accordingly, it is respectfully submitted that the City re-consider these limitations; or at a minimum, create a process that allows the City to issue a height and area variance to allow larger and taller signs if appropriate.

<u>Hours of Operation</u>

Herein, it is respectfully submitted that hours of operation from 6:30am to 11:30pm are inadequate for freeway digital signs thereby causing local businesses to miss a significant amount of travelers and customers. This is particularly true for businesses that are open to the public 24 hours a day, such as our casino and hospitals, and those with food and beverage service open to 2am.

Again, it is important to consider that competitive billboards do not appear to have similar restrictions on hours of operation.

Accordingly, we respectfully request that freeway digital sign hours of operation be extended to 2am at a minimum.

Regulating Content of Digital Billboards on City Owned Property

We continue to believe that the content of billboards designed to compete with Oceanside businesses should be restricted to protect local businesses. This remains an area of great concern as it would be detrimental to the City and local businesses if hospitals, car dealerships, shopping centers, or casinos, ***located outside the City of Oceanside***, were allowed to advertise their products or services and drive customers away from Oceanside businesses. Furthermore, an area would potentially be blighted if multiple signs were permitted to advertise casinos in close proximity to the proposed Oceans 11 casino sign.

Upon review of the staff report, we note that the Staff's Recommendation in the second to last paragraph on page 5 is that "since placement of billboards on city controlled property provides the City an opportunity to restrict sign message content, that the Planning Commission recommend to the City Council careful consideration of this issue at the time of least/contract negotiation."

Accordingly, in light of the importance of this issue, we take this opportunity to voice our support of this recommendation and request that the Planning Commission adopt this recommendation and that the City Council consider this issue in its negotiations with billboard companies.

As always, thank you for the opportunity to address these issues.

You may contact me by email at mark@oceans11.com, or on my cell 949-677-1840 at any time to discuss these issues further.

Sincerely,

Mark Kelegian
Managing Partner

cc: Mayor Jim Wood
Deputy Mayor Ester Sanchez
Council Member Gary Felien
Council Member Jack Feller
Council Member Jerome Kern
City Attorney John Mullen
Principal Planner Amy Fousekis

Amy Fousekis

From: JOHN SCRIVENER <jayscrivener@cox.net>
Sent: Monday, February 06, 2012 1:18 PM
To: Amy Fousekis
Cc: Jerry Hittleman
Subject: FW: Your winning argument

Sent to me by a concerned citizen.

Please forward to other commissioners

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"First, there are strong theoretical underpinnings in the psychology of cognition, perception, psychophysics, and human factors, to suggest why stimuli such as **roadside digital billboards can capture and hold a person's attention, even at the expense of primary task performance.**

Second, it is difficult to perform a study in this domain that does not suffer, at some level, from weaknesses that may affect the strength or generalizability of its findings.

Third, the research sponsored by the outdoor advertising industry generally concludes that there are no adverse impacts from roadside digital billboards, even when, in one case, the actual findings of such research indicate otherwise. Conversely, the **conclusions reached in research sponsored by government agencies, insurance companies, and auto safety organizations, especially in those studies performed in the past decade, regularly demonstrate that the presence of roadside advertising signs such as digital billboards, contributes to driver distraction at levels that adversely affect safe driving performance**.

Fourth, **the recommendations from research, and the existence of guidelines or regulations that stem from that research, are quite consistent, although not fully so, both in the areas in which digital billboards are suggested for control (e.g.**

a) **brightness**,

b) **message**

c) **duration and**

d) **message change interval**, and

e) **billboard location with**

f) **regard to official traffic control devices**,

g) **roadway geometry**, and

h) **vehicle maneuver requirements at interchanges**,

i) **lanedrops**,

j) **merges and diverges**), and with regard to the

specific constraints that should be placed on such signs'

k) **placement** and

l) **operation**."

Agreed to by:

Standing Committee on Research of the National Cooperative Highway Research Program

Highways Subcommittee on Traffic Operations (SCOTE)

Association of State Highway and Transportation Officials (AASHTO)

FHWA and TRB as well as by State and local government agencies (page 5)

The Planning Commission and/or City Council must implement safety controls listed above prior to any placement or operation of an digital signage, which would cost the city way more than the sign would bring in to the city in any balance of the books economically.

The rest of the 193 pages in the report is supporting safety tested evidences.

From:

Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs:

http://www.scenic.org/storage/documents/Safety_impacts_of_the_emerging_digital_display_technology_for_outdoor_advertising_signs.pdf