

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

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1 one or more sections, subsections, sentences, clauses or phrases be declared invalid or
2 unconstitutional.

3 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this
4 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
5 days after its passage in the North County Times, a newspaper of general circulation published
6 in the City of Oceanside.

7 SECTION 4. This ordinance shall take effect and shall be in force on properties outside
8 the Coastal Zone on the thirtieth (30th) day from and after its final passage, and on Coastal Zone
9 properties upon Coastal Commission certification of Local Coastal Plan Amendment 11-00002.
10 Upon the effectiveness of this ordinance, the current Article 33 is hereby repealed

11 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
12 California, held on the ___ day of _____, 2012 and, thereafter,

13 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
14 Oceanside, California, held on the ___ day of _____, 2012, by the following vote:

- 16 AYES:
- 17 NAYS:
- 18 ABSENT:
- 19 ABSTAIN:

20
21 MAYOR OF THE CITY OF OCEANSIDE

22 ATTEST:
23
24 _____
CITY CLERK

22 APPROVED AS TO FORM:
23 *John P. Miller*
24 _____
CITY ATTORNEY

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 4 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 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 of 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 not exceed forty (40) square feet, nor 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)
- 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: 4 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 State and 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.

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. No more than four private party signs may be placed on city property pursuant to this section. 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.