



DATE: October 3, 2012

TO: Honorable Mayor and City Councilmembers
Chairman and Members of the Community Development Commission

FROM: City Manager Office

SUBJECT: **INTRODUCTION OF AN ORDINANCE ADDING ARTICLE 33C "SIGNAGE" TO THE OCEANSIDE DOWNTOWN ZONING ORDINANCE (ZA-200-09), REPEALING ARTICLE 33 OF THE 1992 ZONING ORDINANCE AND ESTABLISHING ARTICLE 33C AS THE NEW SIGN ORDINANCE FOR DOWNTOWN, AND ADOPTION OF A RESOLUTION APPROVING LOCAL COASTAL PLAN AMENDMENT (RLCPA12-00001), FOR THE DOWNTOWN PROJECT AREA – APPLICANT: CITY OF OCEANSIDE**

SYNOPSIS

Staff recommends that the City Council introduce an ordinance adding Article 33C, Signage, to the Oceanside Downtown Zoning Ordinance (ZA-200-09), and repealing Article 33 of the 1992 Zoning Ordinance and establishing Article 33C as the new sign ordinance for downtown; and adoption of a resolution approving Local Coastal Plan Amendment (RLCPA12-00001) for the Downtown Project Area.

BACKGROUND

In spring of 2008, several Redevelopment Advisory Committee members and Planning Commissioners had expressed their concerns regarding the restrictions of the current sign regulations which were last revised in the late 1990s. A Sign Subcommittee was formed which met on April 15, 2008, and again on August 6, 2008, with the following goals:

1. Amend the current Sign Ordinance (Article 33 Oceanside Zoning Ordinance). Create a working group to discuss sign requirements to consist of the following: Redevelopment Advisory Committee members, Planning Commissioners, business owners, and sign designers/contractors to solicit their opinion regarding the City's sign ordinance.
2. Develop General Design Guidelines with principles and policies for ensuring that some flexibility in design can be achieved based upon the context of the sign in the built environment.

Staff had several meetings with members of the Sign Subcommittee, local business owners, Arts Commissioners and sign manufacturers. Staff also reviewed other cities'

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sign codes including, but not limited to, San Diego, Solana Beach, Escondido, Encinitas, San Marcos, San Jose and Scottsdale, Arizona. The consensus of the committee was to increase the flexibility of the Sign Ordinance to allow for more creativity for the design of signs while keeping the basic intent of the ordinance intact.

Due to the nature of the current and future development in the downtown, having tall and large buildings taking up an entire block, the Planning Department opted out of the changes that were being proposed.

Recently City staff has obtained approval from the City Council for the creation of Article 33A and 33B of the Zoning Ordinance. Article 33A addresses all of the signs on private property, and 33B for signs on City owned property or City right-of-ways.

Local Coastal Plan Amendment: A Local Coastal Program Amendment (LCPA) is required when processing an amendment to the Zoning Ordinance pursuant to California Public Resource Code Section 30510 (a) (b).

Environmental Determination: A Certificate of Exemption has been prepared for the project stating that the project is exempt (see attached Certificate of Exemption). Under the provisions of the California Environmental Quality Act, the Community Development Commission will consider the Certificate of Exemption during its hearing on the project.

ANALYSIS

The main changes to the signage standards for the Downtown Project Area can be summarized as follows:

- . Increase the sign height for wall and logos signs;
- . Allow for both projecting and wall signs to occupy the same storefront;
- . Allow for permanent menu-board signs (for restaurants);
- . Provide new regulations for wall murals;
- . Allow for vertical and building identification signs for commercial buildings greater than 45 feet in height.

Wall and Logo Signs: The changes to wall and logo signs are to allow for greater sign height while not increasing the overall square footage of the sign. Currently, the sign regulations restrict sign height by the length of the storefront. Downtown, due to its past development pattern, has resulted in buildings with narrow storefronts. This restricts the sign height for businesses located within the downtown area as opposed to newer shopping centers which generally have much wider storefronts. In addition, shopping centers also have the ability to install pole signs to identify the retail center, whereas pole signs are not allowed within the Redevelopment Project Area. The amended sign ordinance will allow for a much greater sign height (while not increasing the overall sign square footage) for downtown's narrow storefronts.

Projecting Signs: As noted, due to previous development patterns, the downtown's storefronts are generally very narrow. This type of storefront (narrow) is more suited to projecting and/or blade signs, however, these signs generally aren't large enough to attract customers. Staff is recommending that both wall and blade signs be allowed on a single storefront (currently, wall signs and blade signs together are not allowed).

Vertical and Identification Signs: Vertical and building identification signs are limited to buildings which achieve a height of 45 feet or greater. Buildings of this height (45 feet or greater) with few exceptions, are generally located within the downtown project area. Vertical signs are a way of identifying buildings or businesses with signage that can be read vertically. Building identification signs are utilized generally for larger buildings with national examples including the Sears Tower and Empire State Building. Examples of large downtown buildings would include Oceanside Terraces and the Wyndham buildings as well as the approved S.D Malkin hotel and CityMark projects. Because of their large vertical height, staff is recommending the inclusion of these sign types to better identify those larger buildings.

Menu Board Signs: Menu-board signs are usually separated from the main sit-down restaurant wall sign. Menu board signs are generally very small in size (2-4 sq. ft.) backlit, and allow patrons to view the restaurant menus while strolling downtown. Currently, this type of signage is not allowed. Staff believes that this type of signage would be a welcome addition to the emerging downtown restaurant scene.

Murals: Staff has included a new section to the sign ordinance to provide regulations regarding the placement of murals on the sides of buildings located within the downtown project area. Staff believes that murals can add an interesting urban element to the sides of older downtown buildings, however, these murals need to be regulated.

The proposed changes to the Sign Ordinance (Article 33C) are limited to the Downtown area only. Due to past development patterns, the Downtown Project Area has a proliferation of existing buildings with narrow storefronts, historic buildings with intricate façades that greatly restrict sign height and placement of signage in addition to tall buildings that reduce the effectiveness of signs (sign height proportion vs. height of building) due to the building height. In addition, businesses located within the Core of the Downtown present unique marketing constraints that are not readily associated with new shopping centers or other commercial retail centers located throughout the City.

Staff has also evaluated the changes to the Sign Ordinance and believes that the amended ordinance is appropriate for the following reasons:

- The text changes are consistent with Article 33A in that the vast majority of the Signage text remains the same with the rest of the City. The intent of the amended Signage Ordinance was to change the sign standards that are unique to the existing building conditions prevalent within the Downtown such as narrow building storefronts, historic buildings and greater height allowance for downtown buildings. In addition, several existing buildings located downtown

have large roof overhangs which limit the ability to maximize signage and/or results in awkward placement of signs on buildings, which reduces the sign exposure to the public. This situation is unique only to downtown, whereas shopping and retail centers located throughout the City are not subject to these same types of constraints.

- The text changes allow for more flexibility within the Downtown Sign Ordinance in that it allows for greater sign height, vertical signs, menu board signs and projecting signs. Currently, several of these sign types are not allowed.
- The text changes update the Sign Ordinance to reflect current business demands. The Sign Ordinance has not been amended in more than 10-years and is outdated.
- The text changes keep the basic intent of Article 33 intact in that 85 percent of the Sign Ordinance remains the same and therefore would not change the overall aesthetic character of the Downtown Project Area.

In conclusion, staff believes that the changes to the Downtown Sign Ordinance will encourage flexibility and creativity for signage located within the Downtown while keeping the basic intent of the ordinance intact. The amended Sign Ordinance will update some of the sign standards to reflect current business needs.

COMMISSION OR COMMITTEE REPORTS

The Downtown Advisory Committee reviewed the recommended changes at the September 26, 2012 meeting. The results of their review will be presented orally before the Commission.

FISCAL IMPACT

Not applicable.

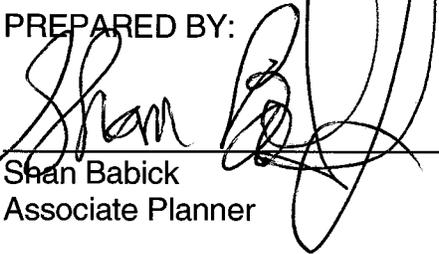
CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Zoning Ordinance Article 45, Section 4504 B., the Community Development Commission is authorized to hold a public hearing on this proposed addition of Section 33C of the Zoning Ordinance. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

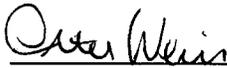
RECOMMENDATION

Staff recommends that the City Council introduce an ordinance adding Article 33C, Signage, to the Oceanside Downtown Zoning Ordinance (ZA-200-09), repealing Article 33 of the 1992 Zoning Ordinance and establishing Article 33C as the new sign ordinance for downtown; and adoption of a resolution approving Local Coastal Plan Amendment (RLCPA 12-00001) for the Downtown Project Area.

PREPARED BY:


Shan Babick
Associate Planner

SUBMITTED BY:


Peter A. Weiss
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Kathy Brann, Downtown Development Manager
George Buell, Development Services Director





EXHIBITS/ATTACHMENTS

1. Ordinance
2. LCPA Resolution
3. Zoning Text Changes Exhibit "A"
4. Notice of Exemption

1 CEQA Guidelines and has prepared a Notice of Exemption pursuant to section 15062 of the CEQA
2 Guidelines.

3 WHEREAS, based upon such evidence, testimony and staff reports, the City Council finds the
4 proposed addition of Article 33C conforms to the City's General Plan;

5 NOW, THEREFORE, the City Council and the Community Development Commission of the
6 City of Oceanside ORDAIN as follows:

7 1. That Zone Amendment Application ZA-200-09 adding Article 33C as specified in
8 Exhibit "A" is hereby adopted and the Downtown Development Manager is hereby directed to amend
9 the Zoning Ordinance text as specified in this Exhibit.

10 2. Provisions of Exhibit "A", as incorporated, have been included for informational
11 purposes only and reflect the amended sections of the Zoning Ordinance which have been stricken,
12 removed or otherwise modified by the enactment of this Ordinance.

13 3. This Ordinance shall be effective upon certification of Local Coastal Plan amendment
14 RLCPA 12-00001 and thereafter all inconsistent sign regulations in the Oceanside Zoning
15 Ordinance related to the Downtown Area shall be repealed.

16 4. Notice is hereby given that the time within which judicial review must be sought on this
17 decision is governed by California Government Code Sections 65009 and 65860 (b).

18 5. The City Clerk of the City of Oceanside is hereby directed to publish the title of this
19 Ordinance and a summary of Exhibit "A" once within fifteen (15) days after its passage in the North
20 County Times, a newspaper of general circulation published in the City of Oceanside.

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1 INTRODUCTION at a regular meeting of the City Council of the City of Oceanside, California,
2 held on the _____ 2012, and, thereafter,

3 PASSED AND ADOPTED by the Oceanside City Council on this ____ day of _____, 2012,
4 by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

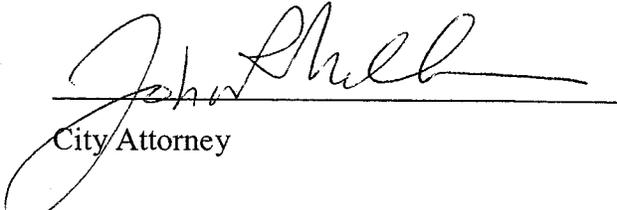
9 _____
10 Mayor of the City of Oceanside

11 ATTEST:

12 APPROVED AS TO FORM:

13 _____
14 City Clerk

15 _____
16 City Attorney

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NOW, THEREFORE, the City Council of the City of Oceanside and the Community Development Commission DOES RESOLVE as follows:

1. Pursuant to Public Resources Code 30514 (a), the Oceanside City Council and Community Development Commission hereby certifies that Local Coastal Program Amendment (RLCPA12-00001) is intended to be carried out in a manner fully in conformity with the Coastal Act and said Amendment is adopted.

2. Pursuant to the California Environmental Quality Act of 1970 (Public Resources Code 21000, et seq.) and state guidelines thereto as amended to date, a Categorical Exemption has been issued by the City of Oceanside for this project.

3. Pursuant to Coastal Commission Local Coastal Program Regulation 13551 (b), this amendment shall take effect automatically upon Coastal Commission approval.

4. Copies of the originals of these revised documents shall be maintained and available for public review in the office of the Economic and Community Development Departments.

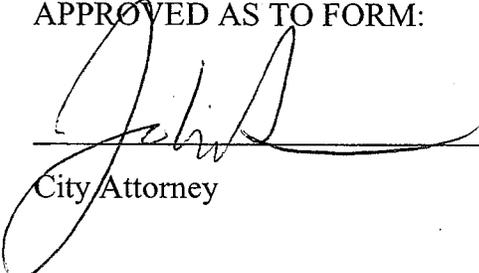
PASSED AND ADOPTED by the Oceanside City Council on this ____ day of ____, 2012, by the following vote:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

Mayor of the City of Oceanside/Chairman

ATTEST:

City Clerk

APPROVED AS TO FORM:


City Attorney

ARTICLE 33C DOWNTOWN SIGNS

Sections:

- 3301 Title, Purposes and Intent
- 3302 Basic Principles
- 3303 Definitions
- 3304 Allowable Signs
- 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 Downtown 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 Downtown of 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 the Downtown "D" District, as well as signs located on public property owned by public agencies other than the City and other affiliate entities, over which the City has land use regulatory authority. Signs on City property, are as defined herein. This Article shall have no effect outside of the Downtown "D" District.

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 Community Development 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; (4) Potential effect of the proposed sign on driver and pedestrian safety; (5) Potential blocking of view (whole or partial) of a structure or façade or public view of natural, historical or architectural significance; (6) Potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks; (7) Potential negative impact on visual quality of public spaces, including but not limited to recreation facilities, public squares, plazas, courtyards and the like; (8) 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 the 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 by air or gas, such as flags, banners, streamers, whirligigs or other similar devices, and commercial mascot advertising displays. 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. Commercial mascot advertising displays are not within the definition of animated signage.

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.

BUILDING IDENTIFICATION SIGN

A wall sign identifying a building by corporate name or logo.

CABINET SIGN

A sign structure consisting of the frame and face(s), not including the internal components, embellishments or support structure.

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 mascot advertising displays are not within the definition of animated signage.**

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.

KIOSK

A multi-sided structure with a unified design theme accommodating individual sign panels.

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.

MURAL

Any piece of artwork painted or applied directly on a wall, ceiling or other permanent surface.

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.

PEDESTRIAN SIGN

A portable outdoor sign providing supplemental business identity, advertisement, or non-commercial speech in addition to the types and amount of signage that could otherwise be achieved under the sign regulations.

PERMANENT MENU BOARD SIGN

A small (less than two (2) square feet) permanent outdoor sign typically displaying the restaurant establishment menu. The menu board sign may be lighted.

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. Projecting sign usually has two message surfaces.

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, 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 symbolic 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.

VERTICAL PROJECTING SIGN

A projecting sign located vertically along several floors on the façade of a building. Such signs may be comprised of one continuous vertical sign or several signs that are aligned vertically. Such signs are often intended to be read vertically. Vertical projecting signs shall not include vertical projections of marquees.

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 Allowable Signs

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

A. Institutional or Commercial Use - Permanent Signs

The following types of signs may be mounted, erected, installed and displayed on Institutional or Commercial uses, subject to a sign permit and the rules stated in

this section. All commercial messages shall be onsite only.

1. 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: Wall signs shall be limited to a maximum of three (3) lines of copy both vertically and horizontal. The maximum letter height and/or sign face height shall be measured as the combination of all 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 are allowed on all four sides of the building.

3. Building Identification Signs

Building Identification Signs are permitted only for free standing buildings of four stories and/or a minimum of forty-five (45) foot building height above the existing street grade. These signs are appropriate for office/financial buildings, mixed-use buildings or hotels and timeshares. The signs are intended to allow identification of the building by corporate name or logo.

No more than one (1) sign shall be mounted on each building face.

Signs are limited to 70% of the building length and the following maximum letter height and/or top and bottom of the sign:

<u>Stories</u>	<u>Letter Height</u>	<u>Logos</u>
4-9	4'	4'6"
10-15	5'	5'6"

Cumulative Sign Area: The permitted sign area is in addition to other wall signs allowed. The maximum square footage per building face is 250 square feet.

Sign Placement: Building Identification signs shall be placed an equal distance below the eave line.

Limit Text: The text or sign copy of top of building signs should be limited to a corporate name or logo and building name.

Illumination: Building Identification signs may be illuminated, but only with internal illumination of individual letters, logos or symbols.

Signs shall be limited to a major tenant based on most square footage leased of the building and/ or building identification. Only one (1) tenant's name can be on any one side of a building.

No cabinet signs permitted - only letters or individually fabricated letter, symbols or logos.

4. Projecting Signs

Projecting signs shall not extend over the public right-of-way unless an encroachment permit is obtained from the City. A projecting sign shall not encroach more than six (6) feet into the City's right-of-way.

Height Maximum Projection Over sidewalk Distance between sidewalk or grade and the bottom of the sign)

<u>Bottom of Sign at Grade</u>	<u>Max.</u>	<u>Projection in Sidewalk</u>
8 feet		1 foot
9-10 feet		2 feet
11-12 feet		3 feet
13 feet		4 feet
14 feet		5 feet
15 feet		6 feet

A projecting sign shall not exceed thirty (30) square feet.

Only one sign per use is allowed. (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 thirty (30) square feet). Wall signs are allowed in combination with a projecting sign; however, both the wall sign and projecting signs combined cannot exceed two (2) square feet of sign area per lineal foot of building frontage.

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

5. Vertical Projecting Signs

Shall be located at least twenty (20) feet but no higher than seventy (70) feet above street grade, except that any Vertical Projecting Sign with a total area that is one hundred (100) square feet or less shall be located fifteen (15) or more above street grade.

Shall not extend more than five feet six inches, (5'6") from the building surface to which the sign is attached.

Vertical Projecting Signs are permitted only for free standing buildings of four stories and/or minimum of 45 foot building height above existing street grade.

Vertical Projecting Signs are limited to 2 building face sides and a maximum of 250 square feet per building face side.

6. Permanent Menu Boards

Permanent menu boards may be mounted directly to the face of the building.

Permanent menu boards may be mounted to the railing of a sidewalk café space, providing that no portion of the sign protrudes outside of the permitted area.

The menu board and framing shall be no more than 400 square inches total.

Lighting fixtures shall be the minimum size needed to provide proper illumination to the menu.

7. Murals

It is the intent of the City Council, for purposes of promoting the local economy, tourism, and for further purposes of beautifying the City, to adopt standards regulating murals, their location and design.

Location: Murals shall be located on the sides of buildings and walls within an area that is zoned for commercial use within the Downtown Project Area.

Mural Design Approval: Prior to painting, installation and execution of a mural visible from a public right of way, an application shall be submitted to the Downtown Development Manager. The application shall include a detailed drawing or sketch of the mural plus other details as prescribed on the application or deemed by staff to be pertinent.

Criteria for Design of Murals: The following criteria shall apply to the design of murals submitted for approval:

The paint to be used shall be appropriate for use in an outdoor locale, for an artistic rendition and shall be of a permanent, long-lasting variety.

The mural shall be designed and painted by qualified mural artists with sufficient knowledge in the design and painting of such projects and the application of paints for such projects.

To the extent feasible, the mural shall be vandal and graffiti resistant.

The mural design shall not include indecent images as defined in applicable case law.

8. 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.

9. 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.

10. Directional Signs

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

11. Pedestrian Signs

Pedestrian, A-Frame and Other Portable Signs signs shall be allowed to be erected and maintained subject to the "Pedestrian Sidewalk Sign Guidelines".

12. Feather Banners

Feather banners authorized by this section are in addition to the maximum allowable signage which is otherwise permitted. Feather banners shall be maintained in good condition at all times, without faded, frayed or torn fabric.

Location: Feather banners may only be installed on private property and shall not extend over the public right-of-way. Minimum spacing between feather banners shall be 8 feet. Signs shall not create a traffic sight obstruction or other pedestrian or traffic hazard and shall comply with applicable engineering design standards.

Height: Maximum height for feather banners shall be the lesser of 15 feet or the height of the building.

B. Residential Use

Signage for residential uses is allowed (except off-site commercial signage and other signage 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. 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, 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 and two (2) for residential 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: 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 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 or 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, or open space uses.

Construction Signs: Construction signs related to construction on the property on which the sign is placed may be displayed one hundred eighty (180) days prior to the commencement of construction, during construction and for a period not longer than thirty (30) days after completion of construction.

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.

Posting on vegetation. No temporary sign shall be posted on any tree, bush or other vegetation.

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.

- 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:

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: The maximum allowable temporary sign area for a commercial site, per time period, is the same as the allowable wall sign area. Residential or 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.

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.

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. Signs that use reflectors or mirrors
- L. Search lights used for advertising or attention getting
- M. Signs that are activated by air, forced air, forced gas, or wind.
- N. Signs that interrupt or encroach into the corner clear zone.
- O. Private party signs placed on City property without consent.
- P. Digital display/electronic message signs, excepting therefrom signs permitted pursuant to Section 3307, Comprehensive Sign Package.
- Q. Signs placed on trees, rocks or other natural formations, except signs which identify the name of the natural formation.
- R. Signs placed on trucks, buses, cars or other motorized vehicles:

Unless all of the following conditions exist:

The vehicle is in operating condition, currently registered and licensed to operate on public streets; The sign is painted upon or otherwise permanently attached to the vehicle; and the primary purpose for which the vehicle is used is not for the stationary display of the sign.

This restriction shall not apply to temporary signs in vehicle windows. Signs displaying off-site commercial speech.

- S. Offsite Commercial Signage (except residential kiosk).

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.

• Exception: Building Identification signs may be illuminated, but only with internal illumination of individual letters, logos or symbols.

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 Downtown Development Manager. The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the Downtown Development Manager 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.

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 Downtown Development Manager 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 Downtown Development Manager shall consider and either approve or deny Comprehensive Sign Packages according to the provisions of this Article. The decision of the Downtown Development Manager is appealable to the Community Development Commission.

The Downtown Development Manager may refer Comprehensive Sign Packages to the 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

A decision by the Community Development Commission are final.

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 Downtown Development Manager, 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 Community Development Commission 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.