

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



December 17, 2015

# TH 16b

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
TONI ROSS, COASTAL ANALYST, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF OCEANSIDE LOCAL COASTAL  
PROGRAM AMENDMENT NO. LCP-6-OCN-15-0041-4 (Sign Ordinances) for  
Commission Meeting of January 13-15, 2016**

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## **SYNOPSIS**

The subject LCP implementation plan amendment was submitted and filed as complete on November 24, 2015. The amendment request modifies the City's certified Implementation Plan (IP) only. As such, the date by which the Commission must take action, absent an extension of the time limits by the Commission, is January 24, 2016. This report addresses the City's entire amendment request.

## **SUMMARY OF AMENDMENT REQUEST**

The City is proposing to repeal its existing Article 33 regulating signs and replace it with a new and revised Article 33. As proposed, Article 33 will now be divided into three separate sub-articles to address different sign regulations within a) Sub-Article 33A Citywide lands outside the downtown area; b) Sub-Article 33B - City-owned Parcels; c) Sub-Article 33C - Downtown District properties. The City has indicated that each subsection has been proposed to better cater to the needs and desires for that particular region of the City. Sub-Article 33A (Citywide) will be implemented by the City both within and outside the Coastal Zone. Sub-Article 33B (City-owned Parcels) will also be implemented both within and outside the Coastal Zone. Sub-Article 33C addresses signage located in the downtown area. In this case, the City of Oceanside's downtown area is located entirely in the coastal zone, such that all policies would apply ubiquitously.

Each sub-article is comparably detailed and includes the basic principles guiding the review and approval of proposed signage, definitions for different types of signs, lists of allowable signs, lists of prohibited signs, procedures for sign approval (including the requirement for a coastal development permit if the proposal is located in the coastal zone), and description of how non-conforming signs will be addressed.

The articles proposed for the “City-wide lands” and “Downtown District” lands also include descriptions and regulations for Comprehensive Sign Packages, whereby certain properties are required to submit one comprehensive sign package instead of single sign permits. The Comprehensive Sign Package would facilitate the review and approval for otherwise prohibited “Electronic Message Signs.” Electronic Message Signs are defined in the ordinance as “[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 words, or changing images. However, as proposed, these Electronic Message Signs would not be permitted in the coastal zone. In addition, the Downtown District and Citywide sections also contain a policy that prohibits the construction of new billboards. The “City-owned Parcels” ordinance contains a policy that would permit the construction of four “private party” signs or billboards, to be approved at the City’s discretion, located on public land. However, again, such proposals would not be permitted in the coastal zone. The relocation of existing billboards into the coastal zone is prohibited under all three subsections.

The subject amendment was originally heard by the Commission at its November, 2013 hearing. In that action, the Commission certified the amendment with a number of modifications. As originally proposed, the amendment would have allowed for relocation of existing billboards, as well as the construction of new billboards and digital signage, on a number of properties in the coastal zone. In addition, the amendment failed to identify that non-exempt signage located in the coastal zone must also be consistent with the City’s certified LCP and authorized through the issuance of a coastal development permit. Section 13537 of the Commission’s regulations requires a local government to formally accept the Commission’s revisions within six months of Commission approval. However, the revisions were not accepted within this time frame. As such, the Commission’s certification expired in May, 2014. The City is now proposing to resubmit the same amendment; however, as currently proposed, the City has incorporated the Commission’s previous modifications into this proposal. As such, the subject LCP Amendment consists of the City’s original ordinances, now supplemented and modified by the revisions required by the Commission’s November 2013 action.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending the Commission approve the amendment as submitted. The City is proposing a wholesale repeal and replacement for its certified sign ordinance. Historically, the Commission’s primary concerns with sign ordinances is that the provisions would allow signs that could adversely impact scenic resources and viewsheds to and along the ocean, add to general visual clutter, or be out of character with the surrounding development. The City’s coastal zone contains a number of coastal resources including the City’s Small Craft Harbor, San Luis Rey River, Loma Alta and Buena Vista Creeks, and Buena Vista Lagoon. In addition, there are number of opportunities for the public to view the coast and ocean including while driving on Highway 78, Interstate 5, The Strand, and Pacific Street, as well as most east to west running streets in the City. Public view/access/recreational opportunities are available along the City’s 3.5 miles of sandy beach area, the Small Craft Harbor, and a public

elevated walkway beginning at Morse Street and continuing south to St. Malo, among others. The City's LUP contains a number of policies that protect such coastal resources; thus, any sign proposals must also assure adequate protection of these resources.

In this case, the City's proposal can be found consistent with the City's certified Land Use Plan as proposed. While the articles would allow new signage in the coastal zone, the amendment contains provisions that limit the types and size of signage permitted in the coastal zone in order to avoid or minimize impacts. Specifically, the proposed article will prohibit the construction of billboards and digital display signs (digital versions of billboards), and would not allow the relocation of any existing billboards within the coastal zone. In addition, the proposed amendment includes language that clarifies that unless otherwise exempt, all signage proposals located in the coastal zone must be authorized through a coastal development permit. Finally, through the coastal development permit process, all smaller-scale proposals will have to be found consistent with the City's LCP. In this manner, the certified land use plan policies are invoked, as applicable, and provisions for protection of public views or community character are implemented. Therefore, the project can be found consistent with the certified LUP and should be approved as submitted.

The appropriate resolutions and motions begin on Page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 6.

#### **ADDITIONAL INFORMATION**

Further information on the City of Oceanside LCP amendment LCP-6-OCN-15-0041-4 may be obtained from Toni Ross, Coastal Planner, at (619) 767-2370.

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## **PART I. OVERVIEW**

### **A. LCP HISTORY**

The City of Oceanside first submitted its Local Coastal Program Land Use Plan (LUP) to the Commission in July 1980, and it was certified with suggested modifications on February 19, 1981. This action, however, deferred certification on a portion of the San Luis Rey River valley where an extension of State Route 76 was proposed. On January 25, 1985, the Commission approved with suggested modifications the resubmitted LUP and Implementing Ordinances. The suggested modifications related to the guaranteed provision of recreation and visitor-serving facilities, assurance of the safety of shorefront structures, and the provision of an environmentally sensitive routing of the proposed Route 76 east of Interstate 5. The suggested modifications to the Zoning/Implementation phase resulted in ordinances and other implementation measures that were consistent with the conditionally certified LUP policies.

With one exception, the conditionally certified LUP and Implementing Ordinances were reviewed and approved by the City on May 8, 1985. The City requested that certification be deferred on one parcel adjacent to Buena Vista Lagoon designated by the City for "commercial" use; the Commission's suggested modification designated it as "open space." On July 10, 1985, the Commission certified the City's Local Coastal Program as resubmitted by the City, including deferred certification on the above parcel. Article 33 (Signs) was a section of the original Implementation Plan (IP) certified by the Commission in 1986.

### **B. STANDARD OF REVIEW**

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan.

### **C. PUBLIC PARTICIPATION**

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

## **PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:**     *I move that the Commission reject the Implementation Program Amendment No. LCP-6-OCN-15-0041-4 for the City of Oceanside as submitted.*

**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment for the City of Oceanside as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF OCEANSIDE IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED****A. AMENDMENT DESCRIPTION**

The City is proposing to repeal its existing Article 33 regulating signs and replace it with a new and revised Article 33. As proposed, Article 33 will now be divided into three separate sub-articles to address different sign regulations within a) Sub-Article 33A Citywide lands outside the downtown area; b) Sub-Article 33B - City-owned Parcels; c) Sub-Article 33C - Downtown District properties. Each sub-article is comparably detailed and includes the basic principles guiding the review and approval of proposed signage, definitions for different types of signs, lists of allowable signs, lists of prohibited signs, procedures for sign approval (including applicable coastal development permits), and description of how non-conforming signs will be addressed.

**B. FINDINGS FOR APPROVAL**

a) **Purpose and Intent of the Ordinance.** The City's purpose and intent for the LCP amendment is to establish a comprehensive process for the regulation of signs for the Downtown District, on City-owned land, and the remainder of the City separately. The ordinances generally intend 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 non-commercial speech; 2) 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 the City; 4) to minimize distraction, obstruction or other impediments to traffic circulation which could be caused by excessive or inappropriately placed signage; 5) safeguard and preserve health, property, and public welfare of Oceanside residents by regulating the physical designs, location, and maintenance of signs; and 6) provide a method for abatement of illegal and abandoned signs.

b) **Major Provisions of the Ordinance.** The major provisions of the ordinance vary for each sub-article. The primary provisions of Sub-Article 33A (Citywide) include the prohibition of new billboards, the permitting of pole, ground, or monument signs in commercial and industrial zones, the permitting of only small freestanding signs within the City's historic district, and the citywide prohibition on a number of sign types including animated signs, roof signs and the like. Sub-Article 33A also includes a process termed "Comprehensive Sign Package." The intent of this section is two-fold. First, it requires that lots with buildings or building complexes that contain three or more separately leasable spaces submit a Comprehensive Sign Package that would address all proposed signage for all uses collectively. Second, the Comprehensive Sign Package would allow lots or aggregates of multiple contiguous commercially zoned parcels that are three acres or larger and located within 150 feet of Interstate-5 or State Routes 76 and 78 to propose the construction of an otherwise prohibited digital display sign. As proposed, the provision for digital display signage would not apply in the coastal zone.

The primary provisions of Sub-Article 33B (City-owned Parcels) include the permitting of governmental signage, picketing, commercial mascots, and informative kiosks on city-owned lands. In addition, Sub-Article 33B contains a provision (Section 3318) that facilitates private party (commercial) signage on city property. Specifically, this section facilitates the approval of four private party sign proposals. The City has indicated that the intent of this section is to allow the construction of otherwise prohibited billboards, if such projects could be found to be in the best interest of the City. However, such proposals would again not be permitted in the coastal zone. Finally, Sub-Article 33B also provides the regulations for sign proposals within the City's Small Craft Harbor.

The primary provisions of Sub-Article 33C (Downtown District) include provisions similar to those proposed citywide with one exception. Specifically, Sub-Article 33C (Downtown District) is located entirely in the coastal zone, and thus does not include any allowance for Digital Display Signage.

c) **Adequacy of the Ordinance to Implement the Certified LUP Segments.**

The standard of review for LCP implementation submittals or amendments is their conformity with and adequacy to carry out the provisions of the certified Land Use Plan (LUP). As previously discussed, the City is proposing three separate articles to regulate signage within various sections of the City. Each subsection's consistency with and ability to carry out the certified LUP will be discussed separately below. The City's LUP contains a number of policies that address protection of public views, preservation of community character, protection of environmentally sensitive habitat and provisions for

public access. In addition, the City LUP contains policies that are specific to signage. These policies state, in part:

### **City of Oceanside's LUP - Coastal Development Design Standards**

#### **Policy IV. Design Standards for Streetscape**

[...]

##### *E. Signage*

- 1. All signs should conform to the Oceanside Sign Ordinance.*
- 2. In the coastal area, special consideration should be given to lowkey [sic] attractive signage that is subordinate to the coastal view.*
- 3. Dignified and well maintained signs designed with respect for the scale and character of the street can enhance commercial areas. When signs do not relate to the area, when they reach excessive size and when they feature blatant discordinant [sic] designs, they reflect poorly upon the overall quality of a commercial area.*

### **City of Oceanside LCP Land Use Policies for Environmentally Sensitive Habitat**

#### **Policy IV. San Luis Rey River Specific Plan**

*6. In addition to the provisions of the Zoning Ordinance, the City shall regulate erection of on-site signs in the river area as follows:*

- a. Require any freestanding signs to be constructed of wooden and/or masonry materials with external illumination, not to exceed six feet in height.*
- b. Prohibit any signs which would detract from the visual quality of the area and cause excessive glare or annoyance to surrounding properties.*

#### **Policy V. Environmentally Sensitive Habitat Area**

*6. New development on the private, commercially zoned land fronting the eastern segment of the lagoon, south of Highway 78 shall be sensitive to the lagoon and its environment.*

### **1. Sub-Article 33A – Citywide Sign Ordinance**

Sub-Article 33A applies to lands city-wide, with the exception of those lands located in the Downtown District and on City-owned property. Thus, the sub-article would apply for a large portion of the coastal zone, including Loma Alta and Buena Vista Creeks, Buena Vista Lagoon, and the elevated walkway from Morse Street to St. Malo. As proposed, the sub-article would allow pole, ground, monument, and wall signage only if consistent with a number of standards including height and maximum area. Prohibited signage includes billboards (both new construction and relocation), roof signs, animated signs, and any signage that physically obstructs vehicular or pedestrian travel. As such,

none of the larger-scale or tall types of signs would be permitted. In addition, the article also includes language that clarifies that unless otherwise exempt, signage proposals for development within the coastal zone will also require a coastal development permit. Through this process, land use plan policies are implemented and findings are required to be made that any development, either as proposed or as conditioned, will be found consistent with the certified LCP.

## **2. Sub-Article 33B – City-owned Property Sign Ordinance**

Sub-Article 33B applies only to those properties owned by the City of Oceanside; thus, the opportunity for signage is limited to the Harbor District, City-owned parcels, rights-of-way and sidewalks. As proposed, the article would allow for government signs, commercial mascots (on sidewalks during business hours) and special event and community signage. In the Harbor District, pole, ground, monument, wall, and courtesy signage are permitted. Courtesy signs are defined as signs whose message provides functional information for the convenience of the public, such as hours of operation, open/close, credit cards accepted, etc. Thus the majority of courtesy signs will be exempt from CDP requirements and will not result in impacts to coastal resources. Billboards (both new construction and relocation) and digital display signage are prohibited both in the Harbor District and all other City-owned property. As proposed, all non-exempt signage is required to obtain a coastal development permit. Through this process, land use plan policies are implemented and findings are required to be made that any development, either as proposed or as conditioned, will be found consistent with the certified LCP.

## **3. Sub-Article 33C – Downtown District Sign Ordinance**

Sub-Article 33C applies to the Downtown District, which is located entirely in the coastal zone. The Downtown Area contains a number of scenic resources including Oceanside Pier, The Strand, and the San Luis Rey River. As proposed the article would allow monument, wall, and building identification signage (attached to building only). Sub-Article 33C would also permit projecting and vertical projecting signs. Projecting and vertical projecting signage are defined as “a sign at which projects more than 12 inches from the exterior face of a building wall or façade and which uses the building wall as its primary source of support; such signage would be limited to an total area of 100 and 250 sq. ft respectively.” In addition, such proposals would also require the issuance of a coastal development permit, and thus must also be found consistent with the City’s LCP policies pertaining to the protection of public views and preservation of community character. Billboards (both new construction and relocation) and digital display signage are prohibited both in the Harbor District and all other City-owned property. As proposed, all non-exempt signage is required to obtain a coastal development permit.

## **4. Summary**

In addition, the City’s proposed sign revisions would result in the decrease of the maximum height of freestanding/pole signs from 50’ tall to 30’. Typically, the Commission does not support pole signs. However, in this case, the City existing sign



ordinance was certified in 1986 and the proposed amendment will result in tighter regulation of pole signage. In addition, the new sign ordinances would limit development of pole signage to commercially zoned lots located outside the downtown area; whereas, currently, the City's sign ordinance allows pole signs throughout the City. Additionally, the proposed sign ordinance would eliminate the current provisions for alternative sign or sign modification permits, which possibly allow approval of signs that do not meet the established design criteria or that would be otherwise prohibited. Finally, any proposals for pole signs would have to be reviewed for consistency with the City's LCP, and thus no pole signs could be proposed that would result in significant coastal resources impacts.

In conclusion, the amendment, as proposed, would limit the type of signage to smaller-scale designs that lessen or create no impacts coastal views. The amendment also would require all non-exempt signage to obtain a coastal development permit. As previously noted, it is through this process that land use plan policies are invoked and findings are required to be made that any development, either as proposed or as conditioned, will be consistent with the certified LCP. Therefore, the amendment does not raise any significant coastal resource protection concerns, and can be found consistent with the City's certified LUP. The Commission therefore finds the City's proposed sign ordinances can be approved as submitted.

#### **PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, under CEQA section 21080.5(d)(2)(A), the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions in its review of the submittal. In the case of the subject LCP amendment request, the Commission finds that the adoption of the proposed sign ordinances do not raise any environmental concerns. As proposed, signage is limited to smaller-scale signage types with fewer or lesser impacts, signage that will be subject to the applicable policies of the City's LCP regarding protection of public views and preservation of community character. Therefore, the Commission finds that the proposed amendment, as submitted, will not result in any significant adverse environmental effects. Thus, the proposed amendment is consistent with CEQA section 21080.5(d)(2)(A).

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RESOLUTION NO. 15- R0557-1

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OCEANSIDE APPROVING LOCAL COASTAL PROGRAM  
AMENDMENTS (LCPA11-00002, LCPA 12-00005, AND  
RLCPA12-00001 REVISION) TO INCORPORATE  
CALIFORNIA COASTAL COMMISSION  
MODIFICATIONS

(City of Oceanside –Applicant)

WHEREAS, the provisions of the California Coastal Act (Public Resources Code 30000, et  
seq.) (the “Coastal Act”) require the City to adopt a Local Coastal Program (LCP) which meets the  
requirements of the Coastal Act at the local level and implements its provisions and policies; and

WHEREAS, on January 25, 1985, the California Coastal Commission (“Commission”)  
approved with suggested modifications the City’s Land Use Plan and implementing ordinances;

WHEREAS, on July 10, 1985, the Commission certified the City of Oceanside’s Land Use Plan  
(“LUP”) and found, pursuant to Public Resources Code 30512.2, the City’s LUP to be consistent with  
the policies and requirements of Chapter 3 of the Coastal Act and meet the basic state goals specified in  
Public Resources Code 30001.5; and

WHEREAS, on April 18, 2012, the Oceanside City Council, after giving the required public  
notice, conducted a public hearing as prescribed by law to amend the Local Coastal Program (LCPA11-  
00002); and

WHEREAS, on October 3, 2012, the Oceanside City Council, after giving the required public  
notice, conducted a public hearing as prescribed by law to amend the Local Coastal Program (LCPA12-  
00005 and RLCPA12-00001); and

WHEREAS, Notices of Exemption were previously prepared by the Resource Officer and  
approved by the City Council of the City of Oceanside for this project pursuant to the California  
Environmental Quality Act of 1970 and the State Guidelines thereto as amended to date; and

WHEREAS, on November 14, 2013, the California Coastal Commission approved, with  
suggested modifications, Local Coastal Program Amendments LCPA11-00002, LCPA12-00005, and  
RLCPA12-00001; and

WHEREAS, the Oceanside City Council finds that the modifications to Local Coastal Program

EXHIBIT NO. 1

Resolution



CP-6-OCN-15-0041-4 (Sign Ordinance)  
California Coastal Commission

1 Amendments LCPA11-00002, LCPA12-00005, and RLCPA12-00001 Revision as suggested by the  
2 California Coastal Commission, conform with and are adequate to carry out the land use plan of the  
3 Local Coastal Program.

4 NOW, THEREFORE, the City Council DOES RESOLVE as follows:

5 1. Pursuant to Public Resources Code 30514 (a), the Oceanside City Council hereby  
6 certifies that Local Coastal Program Amendments LCPA11-00002, LCPA12-00005, and RLCPA12-  
7 00001 Revision are intended to be carried out in a manner fully in conformity with the Coastal Act and  
8 said Amendments are adopted.

9 2. Pursuant to the California Environmental Quality Act of 1970 (Public Resources Code  
10 21000, et seq.) and state guidelines thereto as amended to date, Categorical Exemptions have been  
11 issued by the City of Oceanside for this project.

12 3. Pursuant to Coastal Commission Local Coastal Program Regulations 14 CCR §13551(b),  
13 these amendments with Coastal Commission suggested modifications shall take effect upon Coastal  
14 Commission concurrence.

15 4. Copies of the originals of these revised documents shall be maintained and available for  
16 public review in the office of the Development Services Department.

17 PASSED AND ADOPTED by the Oceanside City Council on this 16th day of  
18 September, 2015, by the following vote:

19 AYES: WOOD, FELLER, KERN, LOWERY, SANCHEZ

20 NAYS: NONE

21 ABSENT: NONE

22 ABSTAIN: NONE

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25 Mayor of the City of Oceanside

26 ATTEST:

27 APPROVED AS TO FORM:

28   
City Clerk

  
City Attorney

ORDINANCE NO. 15-OR0615-1

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF OCEANSIDE AMENDING ARTICLES 33A, 33B AND  
33C OF THE CITY ZONING ORDINANCE (ZA11-00004,  
ZA12-00006 AND ZA-200-09 REVISION) TO  
INCORPORATE CALIFORNIA COASTAL COMMISSION  
MODIFICATIONS**

**(City of Oceanside –Applicant)  
(ZA11-00004, ZA12-00006 and ZA-200-09 REVISION)**

WHEREAS, the City Council has determined that provisions related to the 1986 and 1992 Zoning Ordinance 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 Oceanside City Council held a duly advertised public hearing, to repeal Article 33 of the 1986 Zoning Ordinance and approve Articles 33A and 33B as the new citywide sign ordinance (ZA11-00004); and

WHEREAS, on October 3, 2012, the Oceanside City Council, held a duly advertised public hearing to: 1) amend Articles 33A and 33B (ZA12-00006) in order to allow feather banners and commercial mascot advertising displays; exclude sign provisions for the Downtown “D” District from Article 33A; exclude references to the Redevelopment Agency/Redevelopment Area from Article 33A and 33B; and 2) establish distinct sign regulations for the downtown area by adding Article 33C (ZA-200-09); and

WHEREAS, the sign regulations in Articles 33A, 33B and 33C affect lands located within the City’s Local Coastal Program area and require certification by the California Coastal Commission prior to becoming effective within that area; and

WHEREAS, on November 14, 2013, the California Coastal Commission approved, with suggested modifications, amendments to Articles 33A, 33B and 33C as more particularly described in Exhibit “A” and Exhibit “B” attached hereto and incorporated herein by reference; and

WHEREAS, on September 16, 2015 the City Council conducted a duly advertised public hearing as prescribed by law to consider the Coastal Commissions modifications;

EXHIBIT NO. 2

Sign Ordinance

CP-6-OCN-15-0041-4 (Sign Ordinance)  
California Coastal Commission

1 NOW, THEREFORE, the City Council of the City of Oceanside DOES ORDAIN as follows:

2 1. The Zoning Ordinance modifications (ZA11-00004, ZA12-00006 and ZA-200-09  
3 Revision) amending Articles 33A, 33B and 33C as specified in Exhibit "A" and Exhibit "B" are  
4 hereby approved and the Development Services Director is hereby directed to amend the Zoning  
5 Ordinance text to incorporate the Coastal Commission's suggested modifications.

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

9 3. Notice is hereby given that the time within which judicial review must be sought on this  
10 decision is governed by California Government Code Section 65009 (c).

11 4. The City Clerk of the City of Oceanside is hereby directed to publish the title of this  
12 Ordinance and a summary of Exhibit "A" and Exhibit "B" once within fifteen (15) days after its  
13 passage in the Union Tribune – North County, a newspaper of general circulation published in the City  
14 of Oceanside. This Ordinance shall take effect and be in force on the thirtieth (30) day from and after  
15 its final passage for areas outside the Coastal Zone and upon California Coastal Commission  
16 concurrence with the Executive Director's determination on LCPA11-00002, LCPA12-00005 and  
RLCPA12-00001 for areas within the Coastal Zone.

17 INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California,  
18 held on the 16<sup>th</sup> day of September 2015, and, thereafter,

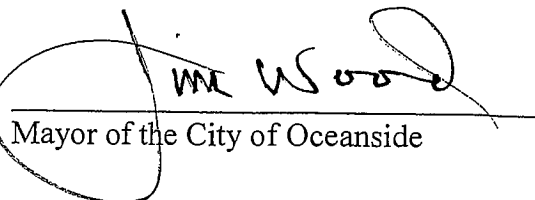
19 PASSED AND ADOPTED by the Oceanside City Council on this 7<sup>th</sup> day of  
20 October, 2015, by the following vote:

21 AYES: WOOD, FELLER, KERN, SANCHEZ

22 NAYS: NONE

23 ABSENT: LAWERY

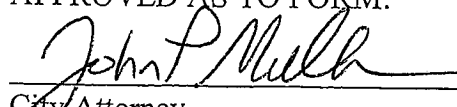
24 ABSTAIN: NONE

25   
Mayor of the City of Oceanside

26 ATTEST:

27   
28 City Clerk

APPROVED AS TO FORM:

  
City Attorney

## **Article 33A 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 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 (excepting therefrom Downtown "D" District areas), as well as signs located on public property owned by public agencies other than the City, 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. However, in no case shall billboards be relocated in the Coastal Zone.

### **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. Commercial mascot advertising displays and 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 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:** 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 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.

**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 E 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 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:

<u>Total Building(s) Area</u>	<u>Total Sign Area</u>
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:

<u>Total Building(s) Area</u>	<u>Total Sign Height</u>
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:

<u>Building Area</u>	<u>Sign Area</u>
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:

<u>Building Frontage Width</u>	<u>Letter Height</u>
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".

8. 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, 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, or six (6) feet in height. Monument signs shall be placed within a landscaped area.

D. Temporary Signage

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

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

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

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

No offsite commercial messages: Temporary signage may not be used to display offsite commercial messages, or to be used for general advertising for hire.

Time period: Commercial, Institutional or Industrial Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year 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 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. 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, as provided in Article 33B.
- P. Digital display/Electronic Message signs, excepting therefrom signs permitted pursuant to Section 3307, Comprehensive Sign Package.

### **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. In the Coastal Zone, unless otherwise exempt, all proposed signage must include the issuance of a coastal development permit

and must be consistent with all applicable policies/requirements of the certified Local Coastal Program. 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.
- f. Feather Banners
- g. Commercial Mascots (on private property)

Application for a Sign Installation Permit may be filed with the Development Services Department. The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the City Planner 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 only outside the Coastal Zone and are 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 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 shall consider and either approve or deny Comprehensive Sign Packages according to the provisions of this Article. The decision of the City Planner is appealable to the Planning Commission, Harbor Board or City Council.

The City Planner may refer Comprehensive Sign Packages to the Planning Commission 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. 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.

**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 or City Planner 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.

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.

C. Commercial Mascots

Sign display by commercial mascots is allowed on public sidewalk areas during the daytime hours between sunrise and sunset, as specified by the United States Naval Observatory (USNO) data. Commercial mascots may not interfere with public ingress or egress or free use of sidewalks or public right-of-way. In order to serve the City's interests in traffic flow and safety, 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.

No more than two commercial mascots shall be allowed to occupy a street intersection corner area. A 10 foot minimum separation shall be maintained between commercial mascots. The total sign area displayed shall not exceed 20 square feet. Sign display exhibits involving airborne signage shall not be permitted.

**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 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 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 or 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, outside the coastal zone, 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. In the Coastal Zone, unless otherwise exempt, all proposed signage must include the issuance of a coastal development permit and must be consistent with all applicable policies/requirements of the certified Local Coastal Program.

## **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. Non-commercial 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. However, in no case shall existing billboards be relocated in the Coastal Zone.

### **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 sign:** 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 D 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:

<u>Building Area</u>	<u>Sign Area</u>
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. 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 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.
- 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. In the Coastal Zone, unless otherwise exempt, all proposed signage must include the issuance of a coastal development permit and must be consistent with all applicable policies/requirements of the certified Local Coastal Program. 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.9 of this Article.
- c. A-Frame and other portable signs in compliance with Section 3304.A.11 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 is 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.