

ORDINANCE NO. 12127
(New Series)

O. 78-24
AUG 17 1977

AN EMERGENCY ORDINANCE AMENDING CHAPTER X, ARTICLE 1
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS
101.1900, 101.1901, 101.1902, 101.1902.1, 101.1902.2,
101.1902.3, 101.1903, 101.1904, 101.1905, 101.1906,
101.1907, 101.1908, 101.1909, 101.1910, 101.1911,
101.1912, 101.1913 AND 101.1914 RELATING TO BILLBOARDS

WHEREAS, presently, the erection of off-premise Outdoor Advertising Displays are not regulated by The City of San Diego, and there exists a need to provide for the immediate preservation of the public peace, property, health or safety by preventing the further unregulated proliferation of off-premises Outdoor Advertising Displays; and

WHEREAS, this emergency ordinance is appropriate and necessary while the City undertakes a study of a comprehensive, permanent regulation and the courts adjudge the validity of Ordinance No. 10795 (New Series); NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1 of the San Diego Municipal Code be, and it is hereby amended by adding Sections 101.1900, 101.1901, 101.1902, 101.1902.1, 101.1902.2, 101.1902.3, 101.1903, 101.1904, 101.1905, 101.1906, 101.1907, 101.1908, 101.1909, 101.1910, 101.1911, 101.1912, 101.1913, and 101.1914 to read as follows:

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EMERGENCY TEMPORARY ZONING ORDINANCE

SEC. 101.1900 PURPOSE AND INTENT

It is the purpose and intent of these emergency temporary zoning regulations to impose a one year regulatory scheme upon off-premise Outdoor Advertising Displays. The reasons for this emergency temporary zoning ordinance are as follow:

- A. A recognition by the City Council that presently the erection of off-premise Outdoor Advertising Displays are, on the whole, unregulated by the City. This emergency ordinance is appropriate and necessary to preserve the public's rights in preventing the further unregulated proliferation of off-premises outdoor advertising displays while the City undertakes a study of a comprehensive, permanent regulation and the courts adjudge the validity of Ordinance No. 10795 (New Series).
- B. This ordinance is not intended in any manner or form, by implication or otherwise, to supersede, amend, affect or repeal Ordinance No. 10795 (New Series), or any other ordinance of The City of San Diego; and the City Council does not by this ordinance intend to give rise to any inference of abandoning pending litigation pertinent to Ordinance No. 10795 (New Series).

SEC. 101.1901. TIME LIMITATIONS FOR ORDINANCE AND MAINTENANCE OF DISPLAYS.

- A. This ordinance shall become effective upon passage and shall remain in force for one year therefrom.
- B. The following limitations are applicable in the event Ordinance No. 10795 (New Series) is determined to be valid in whole or in part by a final judicial determination from which no further appeal or relief in the courts may be taken.
1. In the event said validating judgment occurs at a time prior to the expiration of this ordinance, then the validated provisions of Ordinance No. 10795 (New Series) shall prevail to the extent that they are inconsistent with this ordinance, except that any displays erected pursuant to this interim ordinance shall be removed or otherwise be made to conform to Ordinance No. 10795 (New Series) within ninety days from said final judicial determination.
 2. In the event said validating judgment occurs at a time subsequent to the expiration of this ordinance, then any displays erected pursuant to this interim ordinance shall be removed or otherwise be made to conform to Ordinance No. 10795 (New Series) within ninety days of said final judicial determination.

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SEC. 101.1902 DEFINITIONS AND INTERPRETATIONS

It is intended that where there is a conflict between a definition or an interpretation set forth in this Division and a definition or an interpretation set forth elsewhere in this Article, the definition or interpretation set forth in this Division shall prevail.

SEC. 101.1902.1 OFF-PREMISES OUTDOOR ADVERTISING DISPLAY

An off-premises outdoor advertising display when used within this Division shall mean any display, including the supporting structure, which directs on a continuous basis the attention of the general public, through some form of visual communication, to a business, product, service, event or activity which does not exclusively pertain to the premises on which the display is located.

SEC. 101.1902.2 SINGLE DISPLAY

For the purposes of this Division a single display shall be a one-sided display, a two-sided back-to-back-display or a "V"-shaped display which does not exceed an angle of 90 degrees.

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SEC. 101.1902.3 POLITICAL CAMPAIGN

A political campaign is the process directed toward the ultimate exercise of the voting franchise by the general public.

SEC. 101.1903 ADVERTISING DISPLAYS AREAS ("AD AREAS") DEFINED AND ESTABLISHED

AD Areas are areas which are imposed upon legally described portions of the City which are zoned C-1S, C-1, CS, C, M-1A, M-1, or M-2, or any combination thereof, for the purpose of permitting off-premise advertising displays and similar devices, both of which may be utilized only within said areas. Off-premises advertising displays shall not be permitted to be erected outside any such designated area.

No off-premises advertising display which is erected to be primarily viewed from a freeway or other limited access highway shall be permitted.

Those designated areas in which advertising displays are permitted are delineated in the following drawings on file in the office of the City Clerk and in the office of the Planning Department.

Drawing No. C - 558
" " C - 559
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SEC. 101.1904 PERMITTED OFF-PREMISES OUTDOOR ADVERTISING DISPLAYS

Off-premises outdoor advertising displays permitted by the provisions of this Division shall be: 1) freestanding ground-mounted single-column or post or double-column or post-supported displays which shall have no structural contact with any building or other structure; 2) freestanding displays which have solid and continuous bases upon which the displays are mounted and which shall have no structural contact with any building or other structure; and, 3) wall displays. All permitted displays shall comply with all regulations set forth within this Division.

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SEC. 101.1905 MAXIMUM PERMITTED DISPLAY AREA

The maximum permitted display area for any off-premises outdoor advertising display shall not exceed 300 square feet including space extensions and cutouts and other similar display area appurtenances and framing, but not including that portion of the supporting structure which cannot be utilized for display purposes; provided, however, that an off-premises outdoor advertising display may have a maximum display area of 672 square feet excluding space extensions and cutouts and other similar display appurtenances if said display is located on a parcel of land having frontage on a public right-of-way, exclusive of freeways and other limited access highways, which meets one or the other of the following conditions:

- A. Where the vehicular count is 15,000 or greater per 24-hour day for average daily traffic on a two-way right-of-way; or
- B. Where the vehicular count is 7,500 or greater per 24-hour day for average daily traffic on a one-way right-of-way.

For purposes of determining average daily traffic vehicular traffic counts the 1977 Traffic Flow Map for the San Diego Metropolitan Area prepared by the Comprehensive Planning Organization of the San Diego Region and dated April, 1977 shall be utilized.

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In addition, any display exceeding 300 square feet in area shall only be placed on that portion of the premises which fronts upon a portion of the public right-of-way which has an average daily traffic count which meets the appropriate minimum count set forth in either Paragraph "A" or Paragraph "B" above.

SEC. 101.1906 MAXIMUM PERMITTED HEIGHT LIMIT

The maximum height for advertising displays shall be 35 feet measured to the apex of the advertising display from ground level, except where otherwise governed by Ordinance No. 10960 (New Series).

SEC. 101.1907 SETBACKS

There shall be compliance with all setbacks and yard requirements required by the regulations of the underlying land use zones as well as any other appropriate setback requirements set forth in this Code.

SEC. 101.1908 MINIMUM SPACING REQUIREMENTS

No advertising display shall be erected within 400 feet of any other advertising display located on the same side of the same street; provided, however, that any advertising display that exceeds 300 square feet in display area shall not be erected within 600 feet of any other advertising display which exceeds 300 square feet in display area, located on the same side of the same street. Said distances shall include intervening or intersecting streets.

SEC. 101.1909 MINIMUM PROXIMITY REQUIREMENTS

No advertising display shall be placed within certain specified distances of certain specified land uses as set forth below:

- A. No display shall be placed within 200 feet of any residentially zoned parcel of land located on the same side of the same street as measured along the abutting rights-of-way lines.
- B. Where commercially zoned parcels abut residentially zoned property and where no common street frontage exists, no display shall be placed in that half of the parcel lying in closest proximity to the residentially zoned property; provided, however, that:
 1. Where an alley separates a commercially zoned parcel from residentially zoned property said alley shall be calculated as part of the lot area of commercially zoned parcel; and
 2. In no instance shall any display or any portion of any display be placed closer than 30 feet to any residentially zoned parcel.

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C. No display shall be placed closer than 400 feet to any premises to which the display pertains as defined by SEC.

101.1902.1 (OFF-PREMISES OUTDOOR ADVERTISING DISPLAY).

D. No display shall be placed within 200 feet on the same side of the street of any premises, as measured from the nearest point of the display along the abutting public rights-of-way lines, containing a public park, public or private school, church or other similar place of worship, historical building or site, or cemetery, mausoleum, columbarium or other similar place of interment.

SEC. 101.1910 ROOF DISPLAYS PROHIBITED

No display shall be placed upon either in total or in part, on the roof or parapet of any building or structure except by a special use permit.

SEC. 101.1911 SPECIAL USE PERMITS

The Zoning Administrator may grant an exception to the physical limitations (SEC. 101.1904), the display area (SEC. 101.1905), the height limitation (SEC. 101.1906) and roof displays (SEC. 101.0910) provisions of this Division in accordance with the application and hearing procedures set forth in Paragraphs "B." and "C." of SEC. 101.0503 of this Code.

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- A. After the public hearing the Zoning Administrator may, by resolution, grant a special use permit if, after considering the facts presented in the application and at the hearing, he concludes that:
1. That the requested special use permit shall be necessary to allow the proposed display such display area and/or structural height as is reasonable when taking into consideration the scale of the surrounding structures.
 2. That the permit is required to overcome significant physical difficulties in the erection, placement, or maintenance of the display.
- B. If the Zoning Administrator, after considering the facts presented on the application and at the hearing, is unable to reach the two conclusions set forth in paragraph "A." of this section, he shall deny the permit by resolution.
- C. The resolution granting or denying the special use permit shall include a finding of facts relied upon by the Zoning Administrator in reaching his decision. The resolution shall be filed with the City Clerk, Director of Building Inspection, County Recorder of San Diego County, and a copy shall be mailed to the applicant. The resolution shall not be filed with said

County Recorder if the resolution is a denial of the conditional use permit.

- D. In granting a special use permit, the Zoning Administrator may impose such conditions as he deems necessary and desirable to protect the public health, safety and the general welfare. Any regulations of the zone in which the property is situated, including but not limited to: maximum building height, density, minimum yards and maximum building coverage, may be increased or decreased.
- E. The decision of the Zoning Administrator shall be final on the eleventh day after the filing of the resolution in the office of the City Clerk, except when appeal is taken to the Board of Zoning Appeals as provided in Section 101.0504 of this Code.
- F. In no instance shall a special use permit be granted for the purpose of permitting an advertising display to be erected outside of any AD (Advertising Display) Area set forth in SEC. 101.1903 or in any land use zone not specifically listed in SEC. 101.1903.

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SEC. 101.1912 DISPLAYS, DEVICES AND OTHER ITEMS EXEMPT FROM THESE
REGULATIONS

Exemptions from regulations by this ordinance shall not constitute exemptions from regulations elsewhere provided. The following displays, devices and other listed items shall be exempt from the provisions of these regulations:

- A. Any sign or display erected and maintained pursuant to and in discharge of any governmental function or required by any code, law, ordinance or governmental regulation.
- B. Bench displays located at designated public transit stops.
- C. Signs and displays being manufactured, transported and/or stored within the City limits of the City of San Diego shall be exempt; provided, however, that such signs and displays are not used, in manner or form, for purposes of advertising at the place or places of manufacture or storage or while in transit.
- D. Commemorative plaques of recognized historical societies and organizations.
- E. Sign and displays on vehicles regulated by the City which provide public transportation, including, but not limited to, buses and taxicabs.

F. Signs and displays on licensed commercial vehicles, including trailers; provided, however, that these vehicles and trailers shall not be utilized as parked or stationary outdoor advertising displays or signs.

G. Temporary off-premises subdivision directional signs if permitted by a conditional use permit granted by the Zoning Administrator in accordance with the provisions of Section 101.0503 of this Code.

H. Community Entry Signs within the public rights-of-way permitted by Chapters VI and VIII of the Municipal Code and Community Entry Signs and Community Area Identification Signs permitted by conditional use permits granted by the Zoning Administrator in accordance with the provisions of Section 101.0503 of this Code.

I. Temporary displays pertaining to a political campaign to be erected for a period not exceeding ninety days.

SEC. 101.1913 ~~OUTSTANDING PERMITS~~

Upon passage of this ordinance, any outstanding building permits for off-premises outdoor advertising displays, the substantial construction of which has not as of that date been undertaken and which

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are not in conformance with the provisions of this ordinance, shall be rendered void.

SEC. 101.1914 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsection, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

Section 2. This ordinance shall be effective immediately.

APPROVED: JOHN W. WITT, City Attorney

By



Dan Guevara
Deputy City Attorney

DG:Word Proc.
8/10/77
Or.Dept.:Mayor Wilson
680.3

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OCT 4 1978

AUG 17, 1977

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on **AUG 17 1977**, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

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OCT 4 1978

Office of the City Clerk, San Diego, California

12127

Ordinance
Number

AUG 17 1977

Adopted

01369

RECORDED
CITY CLERK
AUG 16 11:06 AM '77
SAN DIEGO, CALIF.

fw

ATTORNEY'S

San Diego, City of
12th floor, City Admin. Bldg.
202 C Street
San Diego, CA 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

ORDINANCE NO. 12127 (New Series)

ORDINANCE NO. 12127

(New Series)

AN EMERGENCY ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.1900, 101.1901, 101.1902, 101.1902.1, 101.1902.2, 101.1902.3, 101.1903, 101.1904, 101.1905, 101.1906, 101.1907, 101.1908, 101.1909, 101.1910, 101.1911, 101.1907, 101.1908, 101.1909, 101.1910, 101.1911, 101.1912, 101.1913 AND 101.1914 RELATING TO BILLBOARDS

WHEREAS, presently, the erection of off-premise Outdoor Advertising Displays are not regulated by The City of San Diego, and there exists a need to provide for the immediate preservation of the public peace, property, health or safety by preventing the further unregulated proliferation of off-premise Outdoor Advertising Displays; and

WHEREAS, this emergency ordinance is appropriate and necessary while the City undertakes a study of a comprehensive, permanent regulation and the courts adjudge the validity of Ordinance No. 10795 (New Series); NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1 of the San Diego Municipal Code be, and it is hereby amended by adding Sections 101.1900, 101.1901, 101.1902, 101.1902.1, 101.1902.2, 101.1902.3, 101.1903, 101.1904, 101.1905, 101.1906, 101.1907, 101.1908, 101.1909, 101.1910, 101.1911, 101.1912, 101.1913, and 101.1914 to read as follows:

EMERGENCY TEMPORARY ZONING ORDINANCE

SEC. 101.1900 PURPOSE AND INTENT

It is the purpose and intent of these emergency temporary zoning regulations to impose a one year regulatory scheme upon off-premise Outdoor Advertising Displays. The reasons for this emergency temporary zoning ordinance are as follows:

- A. A recognition by the City Council that presently the erection of off-premise Outdoor Advertising Displays are, on the whole, unregulated by the City. This emergency ordinance is appropriate and necessary to preserve the public's rights in preventing the further unregulated proliferation of off-premise outdoor advertising displays while the City undertakes a study of a comprehensive, permanent regulation and the courts adjudge the validity of Ordinance No. 10795 (New Series).
- B. This ordinance is not intended in any manner or form, by implication or otherwise, to supersede, amend, affect or repeal Ordinance No. 10795 (New Series), or any other ordinance of The City of San Diego; and the City Council does not by this ordinance intend to give rise to any inference of abandoning pending litigation pertinent to Ordinance No. 10795 (New Series).

SEC. 101.1901 TIME LIMITATIONS FOR ORDINANCE AND MAINTENANCE OF DISPLAYS

- A. This ordinance shall become effective upon passage and shall remain in force for one year therefrom.
- B. The following limitations are applicable in the event Ordinance No. 10795 (New Series) is determined to be valid in whole or in part by a final judicial determination from which no further appeal or relief in the courts may be taken.
 1. In the event said validating judgment occurs at a time prior to the expiration of this ordinance, then the validated provisions of Ordinance No. 10795 (New Series) shall prevail to the extent that they are inconsistent with this ordinance, except that any displays erected pursuant to this interim ordinance shall be removed or otherwise be made to conform to Ordinance No. 10795 (New Series) within ninety days from said final judicial determination.
 2. In the event said validating judgment occurs at a time subsequent to the expiration of this ordinance, then any displays erected pursuant to this interim ordinance shall be removed or otherwise be made to conform to Ordinance No. 10795 (New Series) within ninety days of said final judicial determination.

SEC. 101.1902 DEFINITIONS AND INTERPRETATIONS

It is intended that where there is a conflict between a definition or an interpretation set forth in this Division and a definition or an interpretation set forth elsewhere in this Article, the definition or interpretation set

I, Patricia M. Dutra, hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

ORDINANCE NO. 12127
(New Series)

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

September 1, 1977

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

September 12, 1977

Patricia M. Dutra

(Signature)

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OCT 4 1978

55 1/2 @ 5.52 = 306.36

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forth in this Division shall prevail.

SEC. 101.1902.1 OFF-PREMISES OUTDOOR ADVERTISING DISPLAY

An off-premises outdoor advertising display when used within this Division shall mean any display, including the supporting structure, which directs on a continuous basis the attention of the general public, through some form of visual communication, to a business, product, service, event or activity which does not exclusively pertain to the premises on which the display is located.

SEC. 101.1902.2 SINGLE DISPLAY

For the purposes of this Division a single display shall be a one-sided display, a two-sided back-to-back display or a "V"-shaped display which does not exceed an angle of 90 degrees.

SEC. 101.1902.3 POLITICAL CAMPAIGN

A political campaign is the process directed toward the ultimate exercise of the voting franchise by the general public.

SEC. 101.1903 ADVERTISING DISPLAYS AREAS ("AD AREAS") DEFINED AND ESTABLISHED

AD Areas are areas which are imposed upon legally described portions of the City which are zoned C-1S, C-1, CS, C, M-1A, M-1, or M-2, or any combination thereof, for the purpose of permitting off-premise advertising displays and similar devices, both of which may be utilized only within said areas. Off-premise advertising displays shall not be permitted to be erected outside any such designated area.

No off-premise advertising display which is erected to be primarily viewed from a freeway or other limited access highway shall be permitted.

Those designated areas in which advertising displays are permitted are delineated in the following drawings on file in the office of the City Clerk and in the office of the Planning Department.

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Drawing No. C-571
Drawing No. C-572
Drawing No. C-573
Drawing No. C-574

SEC. 101.1904 PERMITTED OFF-PREMISES OUTDOOR ADVERTISING DISPLAYS

Off-premises outdoor advertising displays permitted by the provisions of this Division shall be: 1) freestanding ground-mounted single-column or post or double-column or post-supported displays which shall have no structural contact with any building or other structure; 2) freestanding displays which have solid and continuous bases upon which the displays are mounted and which shall have no structural contact with any building or other structure; and, 3) wall displays. All permitted displays shall comply with all regulations set forth within this Division.

SEC. 101.1905 MAXIMUM PERMITTED DISPLAY AREA

The maximum permitted display area for any off-premises outdoor advertising display shall not exceed 300 square feet including space extensions and cutouts and other similar display area appurtenances and framing, but not including that portion of the supporting structure which cannot be utilized for display purposes; provided, however, that an off-premises outdoor advertising display may have a maximum display area of 672 square feet excluding space extensions and cutouts and other similar display appurtenances if said display is located on a parcel of land having frontage on a public right-of-way, exclusive of freeways and other limited access highways, which meets one or the other of the following conditions:

- Where the vehicular count is 15,000 or greater per 24-hour day for average daily traffic on a two-way right-of-way; or
- Where the vehicular count is 7,500 or greater per 24-hour day for average daily traffic on a one-way right-of-way.

For purposes of determining average daily traffic vehicular traffic counts the 1977 Traffic Flow Map for the San Diego Metropolitan Area prepared by the Comprehensive Planning Organization of the San Diego Region and dated April, 1977 shall be utilized.

In addition, any display exceeding 300 square feet in area shall only be placed on that portion of the premises which fronts upon a portion of the public right-of-way which has an average daily traffic count which meets the appropriate minimum count set forth in either Paragraph "A" or Paragraph "B" above.

SEC. 101.1906 MAXIMUM PERMITTED HEIGHT LIMIT

The maximum height for advertising displays shall be 35 feet measured to the apex of the advertising display from ground level, except where otherwise governed by Ordinance No. 10960 (New Series).

SEC. 101.1907 SETHACKS

There shall be compliance with all setbacks and yard requirements required by the regulations of the underlying land use zones as well as any other appropriate setback requirements set forth in this Code.

SEC. 101.1908 MINIMUM SPACING REQUIREMENTS

No advertising display shall be erected within 400 feet of any other advertising display located on the same side of the same street; provided, however, that any advertising display that exceeds 300 square feet in display area shall not be erected within 600 feet of any other advertising display which exceeds 300 square feet in display area, located on the same side of the same street. Said distances shall include intervening or intersecting streets.

SEC. 101.1909 MINIMUM PROXIMITY REQUIREMENTS

No advertising display shall be placed within certain specified distances of certain specified land uses as set forth below:

- No display shall be placed within 200 feet of any residentially zoned parcel of land located on the same side of the same street as measured along the abutting rights-of-way lines.
- Where commercially zoned parcels abut residentially zoned property and where no common street frontage exists, no display shall be placed in that half of the parcel lying in closest proximity to the residentially zoned property; provided, however, that:
 - Where an alley separates a commercially zoned parcel from residentially zoned property said alley shall be calculated as part of the lot area of commercially zoned parcel; and
 - In no instance shall any display or any portion of any display be placed closer than 30 feet to any residentially zoned parcel.
- No display shall be placed closer than 400 feet to any premises to which the display pertains as defined by SEC. 101.1902.1 (OFF-PREMISES OUTDOOR ADVERTISING DISPLAY).
- No display shall be placed within 200 feet on the same side of the street of any premises, as measured from the nearest point of the display along the abutting public rights-of-way lines, containing a public park, public or private school, church or other similar place of worship, historical building or site, or cemetery, mausoleum, columbarium or other similar place of interment.

SEC. 101.1910 ROOF DISPLAYS PROHIBITED

No display shall be placed upon either in total or in part, on the roof or parapet of any building or structure except by a special use permit.

SEC. 101.1911 SPECIAL USE PERMITS

The Zoning Administrator may grant an exception to the physical limitations (SEC. 101.1904), the display area (SEC. 101.1905), the height limitation (SEC. 101.1906) and roof displays (SEC. 101.0910) provisions of this Division in accordance with the application and hearing procedures set forth in Paragraphs "B." and "C." of SEC. 101.0503 of this Code.

- After the public hearing the Zoning Administrator may, by resolution, grant a special use permit if, after considering the facts presented in the application and at the hearing, he concludes that:
 - That the requested special use permit shall be necessary to allow the proposed display such display area and/or structural height as is reasonable when taking into consideration the scale of the surrounding structures.
 - That the permit is required to overcome significant physical difficulties in the erection, placement, or maintenance of the display.
- If the Zoning Administrator, after considering the facts presented on the application and at the hearing, is unable to reach the two conclusions set forth in paragraph "A." of this section, he shall deny the permit by resolution.
- The resolution granting or denying the special use permit shall include a finding of facts relied upon by the Zoning Administrator in reaching his decision. The resolution shall be filed with the City Clerk, Director of Building Inspection, County Recorder of San Diego County, and a copy shall be mailed to the applicant. The resolution shall not be filed with said County Recorder if the resolution is a denial of the conditional use permit.
- In granting a special use permit, the Zoning Administrator may impose such conditions as he deems necessary and desirable to protect the public health, safety and the general welfare. Any regulations of the zone in which the property is situated, including but not limited to: maximum building height, density, minimum yards and maximum building coverage, may be increased or decreased.
- The decision of the Zoning Administrator shall be final on the eleventh day after the filing of the resolution in the office of the City Clerk, except when appeal is taken to the Board of Zoning Appeals as provided in Section 101.0504 of this Code.
- In no instance shall a special use permit be granted for the purpose of permitting an advertising display to be erected outside of any AD (Advertising Display) Area set forth in SEC. 101.1903 or in any land use zone not specifically listed in SEC. 101.1903.

SEC. 101.1912 DISPLAYS, DEVICES AND OTHER ITEMS EXEMPT FROM THESE REGULATIONS

Exemptions from regulations by this ordinance shall not constitute exemptions from regulations elsewhere provided. The following displays, devices and other listed items shall be exempt from the provisions of these regulations:

- Any sign or display erected and maintained pursuant to and in discharge of any governmental function or required by any code, law, ordinance or governmental regulation.
- Bench displays located at designated public transit stops.
- Signs and displays being manufactured, transported and/or stored within the City limits of the City of San Diego shall be exempt; provided, however, that such signs and displays are not used, in manner or form, for purposes of advertising at the place or places of manufacture or storage or while in transit.
- Commemorative plaques of recognized historical societies and organizations.
- Sign and displays on vehicles regulated by the City which provide public transportation, including, but not limited to, buses and taxicabs.
- Signs and displays on licensed commercial vehicles, including trailers; provided, however, that these vehicles and trailers shall not be utilized as parked or stationary outdoor advertising displays or signs.
- Temporary off-premises subdivision directional signs if permitted by a conditional use permit granted by the Zoning Administrator in accordance with the provisions of Section 101.0503 of this Code.
- Community Entry Signs within the public rights-of-way permitted by Chapters VI and VIII of the Municipal Code and Community Entry Signs and Community Area Identification Signs permitted by conditional use permits granted by the Zoning Administrator in accordance with the provisions of Section 101.0503 of this Code.
 - Temporary displays pertaining to a political campaign to be erected for a period not exceeding ninety days.

...shall be rendered void.

SECTION 11. SEVERABILITY.
If any section, subsection, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

Section 2. This ordinance shall be effective immediately.

Passed and adopted by the Council of The City of San Diego August 17, 1977 by the following vote:

YEAS: Johnson, O'Connor, Hubbard, Williams, Morrow, Black, Haro, Wilson.
NAYS: None.
ABSENT: Cook.
AUTHENTICATED BY:
PHIL WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ARDELNOUR,
City Clerk of The City of San Diego, California.
By **KATHLEEN MARTINEZ,** Deputy

...shall be rendered void.

...shall be rendered void.

CHARLES G. ARDELNOUR,
City Clerk of The City of San Diego, California.
By **KATHLEEN MARTINEZ,** Deputy

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