

ORDINANCE NO. O- 15509
(New Series)

O.81-229
REV.

MAY 26 1981

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.1801.21, 101.1801.22, 101.1801.23 AND 101.1801.24, AND BY AMENDING SECTIONS 101.1810, 101.1820 AND 101.1830 RELATING TO REGULATIONS FOR ADULT ENTERTAINMENT ESTABLISHMENTS.

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

Section 1. That Chapter X, Article 1, Division 1 of the San Diego Municipal Code be, and it is hereby amended by adding Sections 101.1801.21, 101.1801.22, 101.1801.23, and 101.1801.24, and by amending Sections 101.1810, 101.1820 and 101.1830 to read as follows:

SEC. 101.1801.21 CHURCH

An institution which people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation, and shall include buildings in which the religious services of any denomination are held.

SEC. 101.1801.22 PUBLIC PARK

An area publicly owned and dedicated as a park whether developed or not.

SEC. 101.1801.23 RESIDENTIAL ZONE

For purposes of this division, a residential zone shall include the R-1, R-2, R-2A, R-3, R-3A, R-4, R-V and R-4C Zones.

SEC. 101.1801.24 SOCIAL WELFARE INSTITUTION

For purposes of this division, a social welfare institution shall mean an activity established pursuant to Municipal Code, Section 101.0506.A.10, if the services provided by the activity are primarily intended for the elderly or minor children.

SEC. 101.1810 PROHIBITION

No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control of any of the following establishments if such establishment is within 1000 feet of another such business, 1000 feet of any residential zone, or within 1000 feet of any church, school, public park or social welfare institution within the City of San Diego.

An establishment listed in this section shall not be permitted to be established, enlarged or transferred unless the provisions of the zone in which the site or proposed site is located permits such a use.

- A. Adult Bookstore
- B. Adult Motion Picture Theater
- C. Adult Mini-Motion Picture Theater
- D. Adult Arcade
- E. Adult Drive-In Theater
- F. Adult Cabaret
- G. Adult Motel
- H. Adult Theater

- I. Adult Model Studio
- J. Sexual Encounter Center
- K. Body Painting Studio
- L. Massage Parlor
- M. Any other business which involves "specified sexual activities" or display of "specified anatomical areas."

SEC. 101.1820 MEASURE OF DISTANCE

The distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment business and any church, school, public park, social welfare institution or residential zone, shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment business to the closest property line of the church, school, public park, social welfare institution or residential zone.

SEC. 101.1830 EXCEPTIONS

A. A person possessing ownership or control of an adult entertainment business which is within 1000 feet of another such business or within 600 feet of any school on the effective date of Ordinance No. 12539 (New Series), or is within 1000 feet of any residential zone, school, church, public park or social welfare

institution on the effective date of the ordinance adding such provisions to this section, shall be permitted to transfer such ownership or control within two years of the applicable effective date. The person acquiring such ownership or control, however, shall be required to discontinue said adult entertainment business within five years from the date of said transfer of ownership or control if such business continues to be within 1000 feet of another such business, 1000 feet of a residential zone, or within 1000 feet of any church, school, public park or social welfare institution within the City of San Diego.

B. A person possessing ownership or control of an adult entertainment business which is not within 1000 feet of another such business, 1000 feet of any residential zone, or within 1000 feet of any church, school, public park or social welfare institution within the City of San Diego on the effective date of the ordinance adding the provisions relating to residential zones, churches, public parks and social welfare institutions, shall become subject to the provisions of paragraph A of this section, if a church, school, public park, social welfare institution or residential zone is established within 1000 feet of an establishment regulated by the provisions of Section 101.1810. The two-year

period established by paragraph A of this section shall commence to run from the date on which the school begins a course of instruction for students, or the church or social welfare institution is opened for use, the public park is dedicated, or the ordinance establishing the residential zone becomes effective.

C. Notwithstanding any other provisions of the Municipal Code to the contrary, the provisions of this Division shall be applicable to all land within the City of San Diego, including all planned districts now in existence or hereafter established.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
REV. 5/19/81
630
Or.Dept.:City Clerk

NEW LANGUAGE - Underlined

OLD LANGUAGE - Crossed Out

SEC. 101.1801.21 CHURCH

An institution which people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation, and shall include buildings in which the religious services of any denomination are held.

SEC. 101.1801.22 PUBLIC PARK

An area publicly owned and dedicated as a park whether developed or not.

SEC. 101.1801.23 RESIDENTIAL ZONE

For purposes of this division, a residential zone shall include the R-1, R-2, R-2A, R-3, R-3A, R-4, R-V and R-4C Zones.

SEC. 101.1801.24 SOCIAL WELFARE INSTITUTION

For purposes of this division, a social welfare institution shall mean an activity established pursuant to Municipal Code, Section 101.0506.A.10, if the services provided by the activity are primarily intended for the elderly or minor children.

SEC. 101.1810 PROHIBITION

No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control of any of the following establishments if such establishment is within 1000 feet of another such business, 1000 feet of any residential zone, or within ~~600~~ 1000 feet of any church, school, public park or social welfare institution within the City of San Diego.

An establishment listed in this section shall not be permitted to be established, enlarged or transferred unless the provisions of the zone in which the site or proposed site is located permits such a use.

- A. Adult Bookstore
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The distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment business and any church, school, public park, social welfare institution or residential zone shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment business to the closest property line of the church, school, public park, social welfare institution or residential zone.

SEC. 101.1830 EXCEPTIONS

A. A person possessing ownership or control of an adult entertainment business which is within 1000 feet of another such business or within 600 feet of any school on the effective date of ~~this~~ Ordinance No. 12539 (New Series), or is within 1000 feet of any residential zone, school, church, public park or social welfare institution on the effective date of the ordinance adding such provisions to this section, shall be permitted to transfer such ownership or control within two years of ~~said~~ the applicable effective date. The person acquiring such ownership or control, however, shall be required to discontinue said adult entertainment business within five years from the date of said transfer of ownership or control if such business continues to be within 1000 feet of another such business, 1000 feet of a residential zone, or within 600 1000 feet of any church, school, public park or social welfare institution within the City of San Diego.

B. A person possessing ownership or control of an adult entertainment business which is not within 1000 feet of another such business, 1000 feet of any residential zone, and-is-not or within 600 1000 feet of any church, school, public park or social welfare institution within the City of San Diego on the effective

date of ~~this~~ the ordinance adding the provisions relating to residential zones, churches, public parks, and social welfare institutions, shall become subject to the provisions of paragraph A of this section, if a church, school, public park, social welfare institution or residential zone is established within ~~600 feet of an-establishment~~ 1000 feet of an establishment regulated by the provisions of Section 101.1810. The two-year period established by paragraph A of this section shall commence to run from the date on which the school begins a course of instruction for students, or the church or social welfare institution is opened for use, the public park is dedicated, or the ordinance establishing the residential zone becomes effective.

C. Notwithstanding any other provision of the Municipal Code to the contrary, the provisions of this Division shall be applicable to all land within the City of San Diego, including all planned districts now in existence or hereafter established.

MAY 26 1981

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Marjorie G. Antecano*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 12 1981

MAY 26 1981

_____, and on _____.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

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
City Clerk of The City of San Diego, California.

(Seal)

By *Marjorie G. Antecano*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-10509** Adopted **MAY 26 1981**

RECEIVED
CITY CLERK'S OFFICE

CERTIFICATE OF PUBLICATION

1981 JUN 15 AM 10:13

SAN DIEGO, CALIF. *js*

San Diego, City of
202 C St., 12th FL.
San Diego, CA 92101
ATTN: M.L. PONTECORVO

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15509

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(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.1801.21, 101.1801.22, 101.1801.23 AND 101.1801.24, AND BY AMENDING SECTIONS 101.1810, 101.1820 AND 101.1830 RELATING TO REGULATIONS FOR ADULT ENTERTAINMENT ESTABLISHMENTS. BE IT ORDAINED, by the Council of The City of San Diego, as follows:

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An institution which people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation, and shall include buildings in which the religious services of any denomination are held.

SEC. 101.1801.22 PUBLIC PARK
An area publicly owned and dedicated as a park whether developed or not.

SEC. 101.1801.23 RESIDENTIAL ZONE
For purposes of this division, a residential zone shall include the R-1, R-2, R-2A, R-3, R-3A, R-4, R-V and R-4G Zones.

SEC. 101.1801.24 SOCIAL WELFARE INSTITUTION
For purposes of this division, a social welfare institution shall mean an activity established pursuant to Municipal Code Section 107.0506.A.10, if the services provided by the activity are primarily intended for the elderly or minor children.

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- M. Any other business which involves "specified sexual activities" or display of "specified anatomical areas"

SEC. 101.1820 MEASURE OF DISTANCE

I, Camille Simpson, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 0-15509
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

June 8, 1981

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 8th day of June, 1981.

Camille Simpson
(Signature)

11 1/4" x 2 x \$7.33 = \$164.93

The distance between any two adult entertainment businesses shall be measured in a straight line without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment business and any church, school, public park, social welfare institution or residential zone shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment business to the closest property line of the church, school, public park, social welfare institution or residential zone.

SEC. 101.1830 EXCEPTIONS

A. A person possessing ownership or control of an adult entertainment business which is within 1000 feet of another such business or within 600 feet of any school on the effective date of Ordinance No. 12539 (New Series), or is within 1000 feet of any residential zone, school, church, public park or social welfare institution on the effective date of the ordinance adding such provisions to this section, shall be permitted to transfer such ownership or control within two years of the applicable effective date. The person acquiring such ownership or control, however, shall be required to discontinue said adult entertainment business within five years from the date of said transfer of ownership or control if such business continues to be within 1000 feet of another such business, 1000 feet of a residential zone, or within 1000 feet of any church, school, public park or social welfare institution within the City of San Diego.

B. A person possessing ownership or control of an adult entertainment business which is not within 1000 feet of another such business, 1000 feet of any residential zone, or within 1000 feet of any church, school, public park or social welfare institution within the City of San Diego on the effective date of the ordinance adding the provisions relating to residential zones, churches, public parks and social welfare institutions, shall become subject to the provisions of paragraph A of this section; if a church, school, public park, social welfare institution or residential zone is established within 1000 feet of an establishment regulated by the provisions of Section 101.1810. The two-year period established by paragraph A of this section shall commence to run from the date on which the school begins a course of instruction for students, or the church or social welfare institution is opened for use, the public park is dedicated, or the ordinance establishing the residential zone becomes effective.

C. Notwithstanding any other provisions of the Municipal Code to the contrary, the provisions of this Division shall be applicable to all land within the City of San Diego, including all planned districts now in existence or hereafter established.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on May 12, 1981.

Passed and adopted by the Council of The City of San Diego on May 26, 1981.

AUTHENTICATED BY:

PETE WILSON,

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

(BEAL)

By **MAYDELL L. PONTECORVO,**

Deputy.

Printed June 8, 1981.

00-5020