

ORDINANCE NO. 0-15551  
(New Series)

0-82-14

**JUL 20 1981**

AN EMERGENCY ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.0760, 101.0761, 101.0762, 101.0762.1, 101.0762.2, 101.0763, 101.0764, 101.0765, 101.0766, 101.0767, 101.0768, 101.0769, 101.0770, 101.0771, 101.0772, 101.0773, 101.0774, and 101.0775 RELATING TO OFF-PREMISES OUTDOOR ADVERTISING DISPLAYS

WHEREAS, presently, as a result of the United States Supreme Court's decision on July 2, 1981 holding Ordinance No. 10795 (N.S.) unconstitutional, the erection of off-premises outdoor advertising displays may be construed by the courts to be unregulated in the commercial and industrial zones in the City of San Diego, and there exists a need to provide for the immediate preservation of the public peace, property, health and safety by preventing the unregulated proliferation of off-premises outdoor advertising displays; and

WHEREAS, this emergency ordinance is appropriate and necessary while the City undertakes a study of comprehensive permanent regulations which might be adopted in view of the United States Supreme Court's decision concerning Ordinance No. 10795 (N.S.); NOW, THEREFORE,

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

Section 1. That Chapter X, Article 1, Division 7 of The San Diego Municipal Code be, and it is hereby amended by adding Sections 101.0760, 101.0761, 101.0762, 101.0762.1 101.0762.2, 101.0763, 101.0764, 101.0765, 101.0766, 101.0767, 101.0768, 101.0769, 101.0770, 101.0771, 101.0772, 101.0773, 101.0774, and 101.0775, to read as follows:

EMERGENCY INTERIM OFF-PREMISES OUTDOOR  
ADVERTISING DISPLAY REGULATIONS

SEC. 101.0760 PURPOSE AND INTENT

It is the purpose and intent of this emergency ordinance to establish interim regulations relating to the erection and alteration of off-premises outdoor advertising displays. The reasons for this emergency interim zoning ordinance are as follows:

- A. A recognition by the City Council that since Ordinance No. 10795 (N.S.) has been held unconstitutional by the United States Supreme Court in its opinion filed on July 2, 1981 in the case Metromedia, Inc., et al. v. City of San Diego, et al., No. 80-195 the erection, maintenance and alteration of off-premises outdoor advertising displays may be construed by the courts to be generally unregulated under San Diego's zoning regulations in the commercial and industrial zones in the City.
- B. A recognition by the City Council that this emergency ordinance is appropriate and necessary to preserve the public's right in preventing the unregulated proliferation of off-premises outdoor advertising displays and the creation of nonconforming uses

while the City considers and prepares comprehensive permanent regulations which might be adopted in view of the U.S. Supreme Court's decision and the important public goals stated in Ordinance No. 10795 (N.S.). Also, should new permanent regulations be adopted a period of time is necessary in order to comply with state and local laws requiring hearings and noticing thereof.

- C. In the event that further court proceedings in Metromedia, Inc., et al. v. City of San Diego, et al., No. 80-195 result in Ordinance No. 10795 (N.S.) being held valid and constitutional in whole or in part then the provisions of Ordinance No. 10795 shall prevail and remain applicable unless and until the City Council expressly repeals Ordinance No. 10795 (N.S.).

SEC. 101.0761                      TIME LIMITATION FOR ORDINANCE

This ordinance shall become effective upon passage and shall remain in force for one year therefrom unless repealed prior thereto.

SEC. 101.0762                    DEFINITIONS AND INTERPRETATIONS

It is intended that where there is a conflict between a definition or an interpretation set forth in SEC. 101.0760 through SEC. 101.0775 and a definition or an interpretation set forth elsewhere in this Article, the definition or interpretation set forth in these sections shall prevail.

SEC. 101.0762.1                OFF-PREMISES OUTDOOR ADVERTISING DISPLAY

An off-premises outdoor advertising display, when used within SEC. 101.0760 through SEC. 101.0775, shall mean a rigidly assembled sign, display, or device permanently affixed to the ground or permanently attached to the building or other inherently permanent structure, including the advertising display's supporting structure, which constitutes or is used for the display of a commercial or other advertisement to the public which does not exclusively pertain to the premises on which the display is located.

SEC. 101.0762.2                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. 101.0763            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-premises outdoor advertising displays which may be utilized only within said areas. Off-premises outdoor advertising displays shall not be permitted to be erected outside any such designated area.

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 - 558.1  
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0-15551

Drawing No. C - 569.1

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SEC. 101.0764 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 SEC. 101.0760 through SEC. 101.0775.

SEC. 101.0765 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 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. 101.0766                    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. 101.0767                    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. 101.0768                    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 street.

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 the 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.

- C. No display as defined by Sec. 101.0762.1 shall be placed closer than 400 feet to any premises to which the display pertains.
  
- 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 internment.

SEC. 101.0770            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.

SEC. 101.0771            ALTERATIONS

No existing off-premises outdoor advertising display shall be altered so as to violate the provisions of this ordinance, however customary maintenance or repair is permitted.

The Zoning Administrator may grant an exception to the physical limitations (SEC.101.0764) and the height limitation (SEC. 101.0766) provisions of SEC. 101.0760 through SEC. 101.0775 in accordance with the application and hearing procedures set forth in Paragraphs "B." and "C." of SEC. 101.0503 of this Code.

- 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:
1. That the requested special use permit 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 special 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 general regulations of the zone in which the property is situated, including but not limited to maximum height and minimum yards, 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 an AD (Advertising Display) Area set forth in SEC. 101.0763 or in any land use zone not specifically listed in SEC. 101.0763.

SEC. 101.0773                    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.

0-15551

- C. Commemorative plaques of recognized historical societies and organizations.
- D. Religious symbols, legal holiday decorations and identification emblems of religious orders or historical societies.
- E. 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.
- F. 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.

SEC. 101.0774                      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 are not in conformance with the provisions of this ordinance, shall be rendered void.

SEC. 101.0775 SEVERABILITY

If any provision or part of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or parts or applications of the ordinance which can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this ordinance are declared to be severable.

Section 2. This ordinance shall be effective immediately.

APPROVED:

JOHN W. WITT, City Attorney

By   
C. Alan Sumption  
Deputy City Attorney

CAS:sf  
7/14/81  
Dept.: Litigation  
680



**JUL 20 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 Mayra E. Portocarrero Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on **JUL 20 1981**, 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**

City Clerk of The City of San Diego, California.

(Seal)

By Mayra E. Portocarrero Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15551 Adopted **JUL 20 1981**

RECEIVED  
CITY CLERK'S OFFICE  
1981 AUG -7 AM 10: 29  
SAN DIEGO, CALIF. nja

CERTIFICATE OF PUBLICATION

SAN DIEGO, CITY OF  
12th floor, 202 C St.  
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15551

**ORDINANCE NO. 0-15551**  
**(New Series)**  
**AN EMERGENCY ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.0760, 101.0761, 101.0762, 101.0762.1, 101.0762.2, 101.0763, 101.0764, 101.0765, 101.0766, 101.0767, 101.0768, 101.0769, 101.0770, 101.0771, 101.0772, 101.0773, 101.0774, and 101.0775 RELATING TO OFF-PREMISES OUTDOOR ADVERTISING DISPLAYS**  
Ordinance No. 0-82-14 adds sections 101.0760 through 101.0775 to Chapter X, Article 1, Division 7, relating to general sign regulations. The added sections will restrict permanent off-premises outdoor advertising displays (billboards) to certain designated areas in the commercial and industrial zones and limit the type of structure, maximum display area, height, setback, spacing and proximity to certain land uses such as residentially zoned parcels, parks, schools & churches.  
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.  
Introduced on July 20, 1981.  
Passed and adopted by the Council of The City of San Diego on July 20, 1981.  
**ATTESTED 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 MAYDELL L. PONTECORVO, Deputy:**  
Published August 7, 1981.

I, Charlene Lance, 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. 0-15551  
(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:

August 3, 1981

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

Dated at San Diego, California this 3rd day of Aug., 1981.

Charlene Lance

(Signature)

2 7/8 x 2 x 8.06 = \$ 46.35