

ORDINANCE NUMBER O- **16116** (New Series)

Adopted on JAN 17 1984

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE, BY ADDING DIVISION 11.5, SECTIONS 101.1150, 101.1151, 101.1152, 101.1153, 101.1154, 101.1155, 101.1156 AND 101.1159, RELATING TO CONTROL OF ADVERTISING DISPLAYS WHICH EXISTED PRIOR TO JULY 19, 1983.

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 the same is hereby amended by adding Division 11.5, Sections 101.1150, 101.1151, 101.1152, 101.1153, 101.1154, 101.1155, 101.1156 and 101.1159 to read as follows:

DIVISION 11.5

CONTROL OF ADVERTISING DISPLAYS WHICH EXISTED PRIOR TO JULY 19, 1983

SEC. 101.1150 PURPOSE AND INTENT

It is the purpose of this Division to establish controls for the regulation of outdoor advertising displays which provide reasonable opportunity for maintenance and relocation of legally constructed displays while protecting the public through preserving a positive aesthetic character.

Further, it is the purpose of these regulations to clarify the status of outdoor advertising displays which existed prior to July 19, 1983 and to identify relocation rights of the existing inventory of these legally

nonconforming displays.

It is the intent of these regulations to permit relocation of legally constructed outdoor advertising displays from existing sites to new locations in commercial and industrial zones where there would be the least potential impact.

SEC. 101.1151 DEFINITIONS

For purposes of this Division, the following definitions shall be applicable:

"Advertising Display" shall have the same meaning as provided by Sections 5202, 5203 and 5221 of the California Business and Professions Code and shall not include the class of on-premises displays described by Section 5272 of the Business and Professions Code.

"Alterations or Repair" to an advertising display means improvement to a display not exceeding 50% of its fair market value, according to the provisions of SEC. 101.0303.

"Relocation" means removal of a display and construction of a new display structure at an eligible new site to substitute for the display which has been removed.

"Visible" means message copy area or advertising display structure is capable of being seen (whether or not copy is legible) without visual aid by a person of normal visual acuity.

SEC. 101.1152 SCOPE OF THIS DIVISION

00231

The provisions of this Division shall not apply to any advertising display, the removal of which may be compelled without the payment of compensation pursuant to Section 5412 of the Business and Professions Code, nor to any advertising display which is acquired by a governmental entity through the use of eminent domain.

SEC. 101.1153 STATUS OF ADVERTISING DISPLAYS

Notwithstanding any other provisions of this Chapter, any advertising display which was lawfully erected prior to July 19, 1983 shall be deemed to be legally conforming in accordance with the provisions of this Chapter. Any legally constructed advertising display located on a site shall be considered a separate business use of that site and conformity of the permitted use and of the advertising display shall be considered independently.

Any advertising display which is repaired or altered according to the provisions of SEC. 101.0303 of this Chapter shall retain its legal nonconforming status. Displays which exceed allowable value of alterations or repair shall be subject to the relocation criteria of this Division. Any advertising display which is relocated pursuant to this Division shall continue to be deemed to be a legal nonconforming use in accordance with the provisions of this Chapter after the relocation.

SEC. 101.1154 RELOCATION OF ADVERTISING DISPLAYS

Notwithstanding any other provision of this Code, any advertising display which was lawfully erected prior to

July 19, 1983 or which is lawfully relocated after January 1, 1984 may be relocated to a new site, provided that the relocation meets the criteria of this Division.

SEC. 101.1155 CRITERIA FOR RELOCATION
OF ADVERTISING DISPLAYS

An advertising display may be relocated to a new site only if the new site is within the C, C-1, M-1, M-1A, M-1B or M-2 Zones.

An advertising display may be relocated to a new site only if the new site is within a five-mile radius of the original site.

No advertising displays shall be relocated to a site or premises located within:

A. The Coastal Zone as established by the California Coastal Act of 1975, as amended;

B. A distance of 660 feet when the display is visible from the edge of the right-of-way of a landscaped freeway as designated by the California Department of Transportation;

C. A distance of 660 feet when the display is visible from the edge of the right-of-way of a freeway or highway designated as a Scenic Highway or City Scenic Route as described by the City Progress Guide and General Plan;

D. A distance of 200 feet from any premises zoned for residential purposes, or containing a school, church or similar place of worship, historical

00233

site or building, cemetery or similar place of interment, public or private park or outdoor recreational facility, or

E. A distance of 500 feet from any other advertising display located on the same side of the same street.

For purposes of B. and C. above, measurements shall be made from the edge of the right-of-way along a line perpendicular to the center line of the highway.

For purposes of D. and E. above, measurements shall be made along the center line of the street from which the display is designed to be primarily viewed, from a line perpendicular to the center line of that street passing through the nearest edge of the existing sign or premises to a line perpendicular to the center line passing through the nearest edge of the proposed sign. Under no circumstances shall this section be interpreted so as to require measurement on a radial basis.

Relocated advertising displays may be freestanding or wall mounted but shall not be placed, in total or in part, upon the roof or parapet of any structure nor shall they project over any public right-of-way.

SEC. 101.1156 STRUCTURE LIMITATIONS ON
ADVERTISING DISPLAY

The message copy area of the relocated advertising display may be no larger than the message copy area of the original advertising display. Flashing lights or rotating

00234

or revolving signs shall not be permitted.

An advertising display may be relocated to a new site only if the advertising display at the new site has a maximum height of 45 feet measured to the top of the advertising display from ground level, or from the level of the roadbed to which the advertising display is designed to be viewed.

An advertising display may be relocated to a new site only if the advertising display at the new site complies with all setback and yard requirements of the underlying land use zone.

An advertising display may be relocated to a new site only if the advertising display at the new site is wall mounted or is built with no more than two supporting posts.

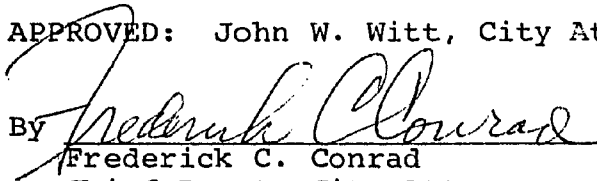
SEC. 101.1159 PERMIT ISSUANCE

If the owner or owners of an advertising display determine to relocate the display and the relocation will comply with all of the provisions of this Division, any and all permits necessary to complete the relocation and the construction of the advertising display at the new site shall be issued by the appropriate City officials upon application therefor by the owner or owners of the advertising display. Applications for any necessary permits shall be filed before removal of the advertising display to be relocated. In addition, the advertising display at the original location must be removed before the display panel is installed at the new site. The

advertising display at the new site must be constructed within 24 months after the removal of the advertising display to be relocated.

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:ib:680
01/03/84
Or.Dept:Plan.
O-84-107
Form=o.none

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

JAN 17 1984

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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Berridge, 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

JAN 3 1984

, and on

JAN 17 1984

~~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 Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number

0-16116

Adopted

JAN 17 1984

10110

RECEIVED
CITY CLERK'S OFFICE

1984 JAN 17 AM 9:32

SAN DIEGO, CALIF.

RECEIVED
CITY CLERK'S OFFICE

1984 FEB -1 AM 10: 50

CERTIFICATE OF PUBLICATION

SAN DIEGO, CALIF.

CITY OF SAN DIEGO
ATTN: BARBARA BERRIDGE
202 C St., 12th Floor
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16116

ORDINANCE NO. O-16116
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE, BY ADDING DIVISION 11 & SECTIONS 161.1166, 161.1167, 161.1168, 161.1169, 161.1170, 161.1171, 161.1172 AND 161.1173, RELATED TO CONTROL OF ADVERTISING DISPLAYS WHICH EXPIRED PRIOR TO JULY 15, 1984.

The Municipal Code does not presently provide for the relocation of existing advertising displays, commonly known as billboards. The Ordinance will amend the Municipal Code to provide a regulatory program which will permit the relocation of advertising displays to specified commercial and industrial zones subject to limitations on proximity to existing advertising displays, residential zones, landscaped freeways, State Highways or City General Routes, schools, churches, historical sites or buildings and public or private parks or recreational facilities.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Proposed on JANUARY 3, 1984.
Passed and adopted by the Council of The City of San Diego on JANUARY 17, 1984.

ATTESTED BY:
ROBERT HEDGECOCK,
Mayor of The City of San Diego, California.
CHARLES O. ABDELNOUR,
City Clerk of The City of San Diego, California.

(SEAL)
By BARBARA BERRIDGE, Deputy.
Publish Jan. 30, 1984

60-1612

I, Charlene Land, 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. O-16116
(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:

January 30, 1984

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

Dated at San Diego, California this 30th day of Jan., 1984.

Charlene Land

00238

(Signature)

5 1/2" X 8.87 = 48.79