

ORDINANCE NUMBER O- 16917 (NEW SERIES)

ADOPTED ON AUG 03 1987

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 11, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.1150, 101.1151 AND 101.1153; BY REPEALING SECTION 101.1154; AND BY AMENDING AND RENUMBERING SECTIONS 101.1155, 101.1156 AND 101.1159, RELATING TO ADVERTISING DISPLAYS.

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

Section 1. That Chapter X, Article 1, Division 11, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.1150, 101.1151 and 101.11553, to read as follows:

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 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 rights of the existing inventory of these legally nonconforming displays.

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.

"Reconstruction" to an advertising display means improvement to the display exceeding 50% of its fair market value, according to the provisions of SEC. 101.0303.

"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. 101.1153 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 nonconforming 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 reconstruction criteria of this Division. Any advertising display which is reconstructed 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 reconstruction.

Section 2. That Chapter X, Article 1, Division 11, of the San Diego Municipal Code be and the same is hereby amended by repealing Section 101.1154, as follows:

SEC. 101.1154 RELOCATION OF ADVERTISING DISPLAYS

Section 3. That Chapter X, Article 1, Division 11, of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Sections 101.1155, 101.1156 and 101.1159, to read as follows:

**SEC. 101.1154 CRITERIA FOR RECONSTRUCTION OF
ADVERTISING DISPLAYS**

An advertising display may be reconstructed only within the C, C-1, M-1, M-1A, M-1B or M-2 Zones.

No advertising displays shall be reconstructed on 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 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 sign as reconstructed. Under no circumstances shall this section be interpreted so as to require measurement on a radial basis.

Reconstructed 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. 101.1155 STRUCTURE LIMITATIONS ON ADVERTISING DISPLAY

The message copy area of the reconstructed advertising display may be no larger than the message copy area of the original advertising display. Flashing lights or rotating or revolving signs shall not be permitted.

An advertising display may be reconstructed only if the reconstructed advertising display 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 reconstructed only if the reconstructed advertising display complies with all setback and yard requirements of the underlying land use zone.

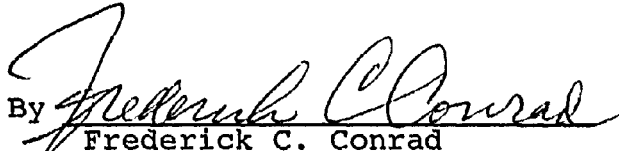
An advertising display may be reconstructed only if the reconstructed advertising display is wall mounted or is built with no more than two supporting posts.

SEC. 101.1156 PERMIT ISSUANCE

If the owner or owners of an advertising display determine to reconstruct the display and the reconstruction will comply with all of the provisions of this Division, any and all permits necessary to complete the reconstruction of the advertising display 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 reconstructed. Relocation letters for previously-removed advertising displays, filed pursuant to SEC. 101.1154 and SEC. 101.1156 of this Division prior to the adoption of these amendments, may be exercised in accordance with the criteria and structure limitations contained in this Division, as amended; relocation rights established by this paragraph shall expire if the advertising display at the new site is not constructed within 24 months of the removal date of the advertising display to be relocated.

Section 4. 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

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05/28/87
09/29/87 REV. 1
Or.Dept:Plan.
O-87-218
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CITY CLERK'S OFFICE

1987 OCT -1 PM 3:05

SAN DIEGO, CALIF.

CORRECTED COPY

50

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

(Seal)

By *Barbara Baxter*, 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

JUL 21 1987

AUG 3 1987

~~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 Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **O-16917** Adopted **AUG 3 1987**

RECEIVED
CITY CLERK'S OFFICE
1987 JUN -2 PM 3:12 *file*
SAN DIEGO, CALIF.

JUN 11 1987

JUN 11 1987

CERTIFICATE OF PUBLICATION

1987 AUG 27 PM 1:24

SAN DIEGO, CALIF.

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: BARBARA BAXTER

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION
11, OF THE SAN DIEGO MUNICIPAL CODE

ORDINANCE NUMBER O-16917 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 11, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.1150, 101.1151 AND 101.1153; BY REPEALING SECTION 101.1154; AND BY AMENDING AND RENUMBERING SECTIONS 101.1155, 101.1156 AND 101.1157, RELATING TO ADVERTISING DISPLAYS.

This ordinance repeals the relocation provisions for advertising displays in existence in the City of San Diego prior to July 19, 1983. Relocation of such advertising displays will no longer be permitted. This ordinance also provides for reconstruction of existing displays provided certain conditions are satisfied. A "grandfather clause" provides for the continued use of "relocation letters" for a period of 24 months from the removal date of the advertising display to be relocated.

A complete copy of this Ordinance is available for inspection in the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced JULY 21 1987
Passed and adopted by the Council of The City of San Diego

AUGUST 3 1987
AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California;
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)
By BARBARA BAXTER, Deputy
Pub. August 17

88809

I, THOMAS D. KELLEHER, 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 NUMBER O-16917 (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:

AUG. 17

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

Dated at San Diego, California this 17 day of AUG., 19 87.

Thomas D. Kelleher

(Signature)

30L X. 98 X. 93 = 58⁵⁰
2 3/4" X 10.78 X 2 = (\$59.30)

CERTIFICATE OF PUBLICATION

1987 AUG 27 PM 1: 24

SAN DIEGO, CALIF.

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: BARBARA BAXTER

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Introduced JULY 21 1987
Passed and adopted by the Council of The City of San Diego AUGUST 3 1987

AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
(SEAL)
By BARBARA BAXTER, Deputy
Pub. August 17 88899

I, THOMAS D. KELLEHER, 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

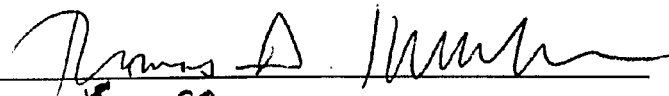
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