

ORDINANCE NO. 11053 MAY 3 1973
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY
REPEALING SECTION 101.0403 RELATING TO THE
FLOODPLAIN ZONE - PURPOSE AND INTENT, AND BY
ADDING A NEW SECTION 101.0403 RELATING TO THE
FLOODWAY ZONE.

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

Section 1. That Chapter X, Article 1, Division 4 of the
San Diego Municipal Code be amended by repealing Section 101.0403
entitled, "FP - Floodplain Zone - Purpose and Intent."

Section 2. That Chapter X, Article 1, Division 4 of the
San Diego Municipal Code be amended by adding Section 101.0403
to read as follows:

SEC. 101.0403 FW ZONE
 (Floodway)

A. PURPOSE AND INTENT

The purpose of the floodway zone is to regulate and
control development in the delineated floodways of flood-
plains. Regulation and control are necessary inasmuch as
areas designated as floodways are subject to frequent
flooding. When floods occur in a floodway, floodwaters
will be relatively deep and floodwater velocities relatively
high. Regulation and control are accordingly essential so
as to protect the public health, safety and general welfare.

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It is also the purpose of the zone to reduce the financial burden on the City by eliminating the need for construction of flood control facilities made necessary by inadequately controlled development in floodplains while at the same time providing for the reasonable use of property lying within the floodway.

It is the intent of these regulations that uses permitted in the FW Zone are only those uses which will not constitute an unreasonably, unnecessarily or undesirably dangerous impediment to the flow of floodwaters. Development regulations of the zone require that all proposed development shall be reviewed prior to the issuance of necessary permits so as to ensure that all development is capable of withstanding inundation by floodwaters and will not, in turn, cause damage by flooding to adjacent properties.

It is also the intent of these regulations that the FW Zone shall be applied to the floodways of those floodplains within the City which in the opinion of the City Council, after hearing the recommendations of the U.S. Army Corps of Engineers or the City Manager, are determined to be subject to inundation which could endanger life, property and the general welfare. The application of the FW Zone may be made by the Council following a public hearing at which time factual information regarding the location and extent of such zoning shall be provided by

the U.S. Army Corps of Engineers or the City Manager. The width and location of the FW Zoning shall be based on a hydraulic analysis considering the following criteria:

1. Natural and artificial constraints and configuration of the existing floodplain.
2. The width of the FW Zone shall provide, based on existing topography, sufficient cross-sectional area to convey a 100-year frequency flood without increasing the water surface more than one foot above the water surface of a 100-year frequency flood unconfined within the existing floodplain.

B. PERMITTED USES

No structure or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Apiaries.
2. Aviaries.
3. Commercial cut flowers (open field).
4. Field and seed crops.
5. Parking lots which are designed and intended to serve facilities or establishments located in the FPF Zone provided, however, that all such parking lots shall be constructed in accordance with the regulations of Division 8 of this Article.

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6. Public parks and playgrounds.
7. Pasture and range land.
8. Raising of livestock.
9. Truck crops.
10. The following uses provided, however, that all such uses are permitted by a conditional use permit granted in accordance with the procedures set forth in Division 5 of this Article:
 - a. Airways, taxiway and pads of heliports and helistops.
 - b. Establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, recreational facilities privately operated.
 - c. Fairgrounds.
 - d. Golf courses, golf practice driving tees or ranges, and pitch-and-putt golf courses.
(No club houses or similar buildings.)
 - e. Natural resources development and utilization including, but not limited to, extracting, processing, storing, selling and distributing sand, gravel, rock, clay, decomposed granite and soil and the manufacturing, producing, processing, storing, selling and distributing

of asphaltic concrete, Portland Cement concrete, concrete products and clay products.

- f. Race tracks.
 - g. Travel trailer parks together with incidental facilities for the convenience of occupants.
11. Flood control structures and facilities including but not limited to the following:
- a. Grass-lined or similarly vegetated flood control channels either of excavated or diked sections or levees, including groins of a temporary nature to protect the same.
 - b. Dams and reservoirs designed primarily for water conservation, recreation, or debris control.
 - c. Erosion control works including, but not limited to, retards, groins, jetties, vegetation, stone, rock or sacked concrete revetment, rock and wire mattress, pipe and wire fence, precast cribbing, drop structures, check dams, grade stabilizers and rock sills.
 - d. Ground water replenishment works including, but not limited to, diversion dams, percolation beds, spreading grounds, and injection wells.

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12. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.
13. Accessory uses for any of the permitted uses listed in items 1 through 9 of paragraph "B." including the following signs:
 - a. One single or double-faced freestanding sign designating the use or occupancy of any premises facing or adjacent to each street abutting the property provided that the height of any such sign shall not exceed 12 feet measured vertically from the base of the sign at ground level to the apex of the sign, and further provided that no such sign shall have any single face area exceeding 32 square feet. Signs may be lighted; however, none shall contain visibly moving parts or be illuminated by flashing lights.
 - b. One single or double-faced freestanding sign designating the premises for sale,

rent or lease provided such sign shall not have any single face area exceeding 16 square feet or a height exceeding six feet measured from the base of the sign at ground level to the apex of the sign, and provided further that such sign is not lighted.

C. SPECIAL REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged anywhere within the zone except that temporary buildings having a floor area not to exceed 300 square feet shall be permitted, provided:

1. Such buildings are not attached to a foundation so that they cannot be readily moved.
2. Such buildings are removed within eight hours following notification by the City Manager that removal is required because of the imminence of flooding. In the event the said portable building is not removed in accordance with instructions received from the City Manager, or his designated representative, the City Manager, or his designated representative, shall arrange to have it removed from the floodway and stored in a suitable location. All expenses associated with removal and storage

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shall be billed to the owner on which the said portable building was located and shall become a lien against the said property.

D. PROPERTY DEVELOPMENT REGULATIONS

No building or structure or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any premises be used unless the premises comply with the following regulations and standards:

1. Minimum lot dimensions.
 - a. Area - 10 acres.
 - b. Street frontage - 500 feet.
 - c. Width - 500 feet.
 - d. Depth - 500 feet.
 - e. Exception. Any lot which qualified under the definition of lot as set forth in this Code and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.
2. Prior to the issuance of any land development or building permits, complete plans for all proposed developments shall be submitted to the City Manager or his designated representative for review. No land development or building permits shall be issued

until such time as it has been determined that the proposed development will not constitute an unnecessary, undesirable or unreasonable impediment to flood flow and that the proposed development will not constitute a hazard to the public health, safety or general welfare by floodwaters expected during a 100-year flood whose water surface has been elevated one foot. Any determination of the City Manager or his designated representative regarding the feasibility of any development proposal may be appealed to the City Council in accordance with the procedure set forth in Section 62.0413 of this Code.

E. OFF-STREET PARKING REGULATIONS

Off-street parking need not be provided for any use listed in paragraph "B." of this section except as such parking may be required as a condition of a conditional use permit granted for one of the uses listed in paragraph "B.10." of this section.

Section 3. 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

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FCC:nr
3-16-73

Passed and adopted by the Council of The City of San Diego on MAY 3 1973,
 by the following vote:

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 CITY CLERK'S OFFICE

1973 MAR 21 AM 10:34

SAN DIEGO, CALIF.

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"/>
Henry L. Landt	<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"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Bates	<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.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Mary Anne Nease, 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 APR 19 1973, and on MAY 3 1973.

~~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.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Mary Anne Nease, Deputy.

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MAY 1 1978

Office of the City Clerk, San Diego, California

Ordinance Number 11053 Adopted MAY 3 1973

ATTORNEY (S)

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CITY CLERK'S OFFICE

1973 MAY 14 AM 8:33

SAN DIEGO, CALIF. ⁵

* CITY OF SAN DIEGO
202 C Street
12th Floor
San Diego, California 92101

CERTIFICATE OF PUBLICATION

No.

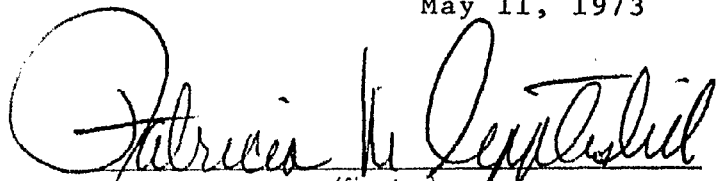
IN THE MATTER OF

RELATING TO THE FLOODWAY ZONE

I, Patricia M. Applestill hereby certify that 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; that the
ORDINANCE NO. 11053 (NEW SERIES)

to a true and correct copy of which this certificate is annexed was published in said newspaper on May 10, 1973

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on
May 11, 1973


(Signature)

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ORDINANCE NO. 11053

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 101.0403 RELATING TO THE FLOODPLAIN ZONE—PURPOSE AND INTENT, AND BY ADDING A NEW SECTION 101.0403 RELATING TO THE FLOODWAY ZONE.

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

Section 1. That Chapter X, Article 1, Division 4 of the San Diego Municipal Code be amended by repealing Section 101.0403 entitled, "FP—Floodplain Zone—Purpose and Intent."

Section 2. That Chapter X, Article 1, Division 4 of the San Diego Municipal Code be amended by adding Section 101.0403 to read as follows:

SEC. 101.0403 FW ZONE

(Floodway)

A. PURPOSE AND INTENT

The purpose of the floodway zone is to regulate and control development in the delineated floodways of floodplains. Regulation and control are necessary inasmuch as areas designated as floodways are subject to frequent flooding. When floods occur in a floodway, floodwaters will be relatively deep and floodwater velocities relatively high. Regulation and control are accordingly essential so as to protect the public health, safety and general welfare.

It is also the purpose of the zone to reduce the financial burden on the City by eliminating the need for construction of flood control facilities made necessary by inadequately controlled development in floodplains while at the same time providing for the reasonable use of property lying within the floodway.

It is the intent of these regulations that uses permitted in the FW Zone are only those uses which will not constitute an unreasonably, unnecessarily or undesirably dangerous impediment to the flow of floodwaters. Development regulations of the zone require that all proposed development shall be reviewed prior to the issuance of necessary permits so as to ensure that all development is capable of withstanding inundation by floodwaters and will not, in turn, cause damage by flooding to adjacent properties.

It is also the intent of these regulations that the FW Zone shall be applied to the floodways of those floodplains within the City which in the opinion of the City Council, after hearing the recommendations of the U. S. Army Corps of Engineers or the City Manager, are determined to be subject to inundation which could endanger life, property and the general welfare. The application of the FW Zone may be made by the Council following a public hearing at which time factual information regarding the location and extent of such zoning shall be provided by the U. S. Army Corps of Engineers or the City Manager. The width and location of the FW Zoning shall be based on a hydraulic analysis considering the following criteria:

1. Natural and artificial constraints and configuration of the existing floodplain.
2. The width of the FW Zone shall provide, based on existing topography, sufficient cross-sectional area to convey a 100-year frequency flood without increasing the water surface more than one foot above the water surface of a 100-year frequency flood unconfined within the existing floodplain.

B. PERMITTED USES

No structure or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used, except for one or more of the following purposes:

1. Apiaries.
2. Aviaries.
3. Commercial cut flowers (open field).
4. Feed and seed crops.
5. Parking lots which are designed and intended to serve facilities or establishments located in the FPF Zone provided, however, that all such parking lots shall be constructed in accordance with the regulations of Division 8 of this Article.
6. Public parks and playgrounds.
7. Pasture and range land.
8. Raising of livestock.
9. Truck crops.
10. The following uses provided, however, that all such uses are permitted by a conditional use permit granted in accordance with the procedures set forth in Division 5 of this Article:
 - a. Airways, taxiway and pads of heliports and helistops.
 - b. Establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, recreational facilities privately operated.
 - c. Fairgrounds.
 - d. Golf courses, golf practice driving tees or ranges, and pitch-and-putt golf courses. (No club houses or similar buildings.)
 - e. Natural resources development and utilization including, but not limited to, extracting, processing, storing, selling and distributing sand, gravel, rock, clay, decomposed granite and soil and the manufacturing, producing, processing, storing, selling and distributing of asphaltic concrete, Portland Cement concrete, concrete products and clay products.
 - f. Race tracks.
 - g. Travel trailer parks together with incidental facilities for the convenience of occupants.
11. Flood control structures and facilities including but not limited to the following:
 - a. Grass-lined or similarly vegetated flood control channels either of excavated or diked sections or levees, including groins of a temporary nature to protect the same.
 - b. Dams and reservoirs designed primarily for water conservation, recreation, or debris control.
 - c. Erosion control works including, but not limited to, retards, groins, jetties, vegetation, stone, rock or sacked concrete revetment, rock and wire mattress, pipe and wire fence, precast cribbing, drop structures, check dams, grade stabilizers and rock sills.

d. Ground water replenishment works including, but not limited to, diversion dams, percolation beds, spreading grounds, and injection wells.

12. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purposes and intent of this zone. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

13. Accessory uses for any of the permitted uses listed in items 1 through 9 of paragraph "B." including the following signs:

a. One single or double-faced freestanding sign designating the use or occupancy of any premises facing or adjacent to each street abutting the property provided that the height of any such sign shall not exceed 12 feet measured vertically from the base of the sign at ground level to the apex of the sign, and further provided that no such sign shall have any single face area exceeding 32 square feet. Signs may be lighted; however, none shall contain visibly moving parts or be illuminated by flashing lights.

b. One single or double-faced freestanding sign designating the premises for sale, rent or lease provided such sign shall not have any single face area exceeding 16 square feet or a height exceeding six feet measured from the base of the sign at ground level to the apex of the sign, and provided further that such sign is not lighted.

C. SPECIAL REGULATIONS

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1. Such buildings are not attached to a foundation so that they cannot be readily moved.

2. Such buildings are removed within eight hours following notification by the City Manager that removal is required because of the imminence of flooding. In the event the said portable building is not removed in accordance with instructions received from the City Manager, or his designated representative, the City Manager, or his designated representative, shall arrange to have it removed from the floodway and stored in a suitable location. All expenses associated with removal and storage shall be billed to the owner on which the portable building was located and shall become a lien against the said property.

D. PROPERTY DEVELOPMENT REGULATIONS

No building or structure or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any premises be used unless the premises comply with the following regulations and standards:

1. Minimum lot dimensions.

a. Area — 10 acres.

b. Street frontage — 500 feet.

c. Width — 500 feet.

d. Depth — 500 feet.

e. Exception: Any lot which qualified under the definition of lot as set forth in this Code and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

2. Prior to the issuance of any land development or building permits, complete plans for all proposed developments shall be submitted to the City Manager or his designated representative for review. No land development or building permits shall be issued until such time as it has been determined that the proposed development will not constitute an unnecessary, undesirable or unreasonable impediment to flood flow and that the proposed development will not constitute a hazard to the public health, safety or general welfare by floodwaters expected during a 100-year flood whose water surface has been elevated one foot. Any determination of the City Manager or his designated representative regarding the feasibility of any development proposal may be appealed to the City Council in accordance with the procedure set forth in Section 62.0413 of this Code.

E. OFF-STREET PARKING REGULATIONS

Off-street parking need not be provided for any use listed in paragraph "B." of this section except as such parking may be required as a condition of a conditional use permit granted for one of the uses listed in paragraph "B.10." of this section.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on April 19, 1973.

Passed and adopted by the Council of The City of San Diego on May 3, 1973.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By MARY ANNE MEASE, Deputy.

(SEAL)
Published May 10, 1973

B-300