

ORDINANCE NUMBER O-17560 (NEW SERIES)

ADOPTED ON DECEMBER 10, 1990

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0510 RELATING TO
CONDITIONAL USE PERMITS.

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

Section 1. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0510, to read as follows:

SEC 101.0510 CONDITIONAL USE PERMIT

A. and B. [No change.]

C. USES WHICH MAY BE CONSIDERED

1. Zoning Administrator as Decisionmaker.

The Zoning Administrator shall have the authority under conditions herein provided to permit by Conditional Use Permit the following uses in any zone, including interim zones, except as otherwise provided below:

a. Churches, temples or buildings of a permanent nature, used primarily for religious purposes, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

b. Commercial uses associated with agriculture in the Future Urbanizing area

including, but not limited to: agricultural sales and services, animal sales and service (including hay, feed and tack), equestrian-related sales and services, and nursery sales and services.

c. through g. [No change.]

h. Lights for illuminating tennis courts and similar lighting, except in the Future Urbanizing area.

i. and j. [No change.]

k. Nursery and elementary schools, and day care facilities serving children, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing area.

l. Outdoor storage and display of new, unregistered motor vehicles, except in the A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area.

m. Parking facilities, except in the A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area. (Note: See Subparagraph 3, Planning Commission as Decisionmaker.)

n. Private clubs, lodges and fraternal organizations except fraternities and

sororities. Private clubs, lodges, and fraternal organizations shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing area.

o. Residential care facilities, as defined in Section 101.0101.96 for not more than twelve persons in any zone which otherwise permits residential use, subject to the development standards and locational criteria of Section 101.0581, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing area.

p. Rotating and revolving signs pursuant to Section 101.1117.1, except in the Future Urbanizing area (the permit may be granted by the Sign Code Administrator).

q. and r. [No change.]

s. Teaching of the fine arts including, but not limited to music, drawing, painting, sculpture, drama and dancing, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing area.

t. Theater marquee signs pursuant to Section 101.1118.1, except in the Future Urbanizing area (the permit may be granted by the Sign Code Administrator).

u. Veterinary clinics and veterinary hospitals in any commercial, industrial or agricultural zone, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing area.

2. Planning Director as Decisionmaker. The Planning Director shall have the authority under conditions herein provided to authorize by Conditional Use Permit the following uses in any zone, including interim zones, except as otherwise provided below:

a. Automobile service stations in any zone except the R-1 zones, the A-1 zoned areas of the Coastal Zone, or in the Future Urbanizing area, subject to the locational criteria and developmental and operational standards contained within the document entitled "Guidelines for Automobile Service Stations," as adopted by resolution of the City Council and, if alcoholic beverages include beer, wine and distilled spirits are offered for sale or other consideration

within the area portrayed on Map C-721,
Section 101.0515 shall be considered by the
Planning Director.

b. and c. [No change.]

3. Planning Commission as Decisionmaker.

The Planning Commission shall have the authority
under conditions herein provided to authorize by
Conditional Use Permit the following uses in any
zone, including interim zones, except as otherwise
provided below:

a. through c. [No change.]

d. Educational institutions other than
nursery and elementary schools, except in the
Future Urbanizing area. Permanent buildings
and/or fill shall not be permitted in A-1
zoned areas of the Coastal Zone subject to
the FPF (Floodplain Fringe) overlay zone.

e. Establishments or enterprises
involving large assemblages of people or
automobiles, including, but not limited to:

(1) through (3) [No change.]

The above uses shall not be permitted in
A-1 zoned areas of the Coastal Zone subject
to the FPF (Floodplain Fringe) overlay zone
or in the Future Urbanizing area. This
provision shall not apply to the
reconstruction of an existing privately owned

recreational facility destroyed by fire, flood or other natural disaster, provided such reconstruction does not require new (i.e., nonreplacement) permanent buildings and or fill.

f. [No change.]

g. Facilities for the wrecking and dismantling of automobiles and other similar vehicles, junk yards, and all establishments engaged in the salvaging or processing of scrap metal, in any agricultural or industrial zone except in the Coastal Zone or in the Future Urbanizing area.

h. Hospital, intermediate care facilities and nursing homes, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone or in the Future Urbanizing area.

i. Nonprofit institutions whose primary purpose is the promotion of public health and welfare, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone or in the Future Urbanizing area.

j. Research, development and testing laboratories and facilities, except in A-1 zoned areas of the Coastal Zone or in the

Future Urbanizing area; however, a permit may be granted for the continued operation of existing uses and facilities in the Future Urbanizing area.

k. Residential care facilities, as defined in Section 101.0101.96 for more than twelve persons in any zone which otherwise permits residential use, subject to the development standards and locational criteria of Section 101.0581, except in the Future Urbanizing area.

l. [No change.]

m. [No change.]

n. Parking facilities in the A-1 zoned areas of the Coastal Zone, except in the Future Urbanizing area.

4. City Council as Decisionmaker. The City Council shall have the authority, under conditions herein provided, to authorize by Conditional Use Permit the following uses in any zone including interim zones except as otherwise provided below:

a. Airports and permanent helicopter facilities, subject to the standards contained within the document entitled "Locational Criteria and Development Standards for Helicopter Facilities," as adopted by resolution of the City Council

except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

b. Amusement parks, except in the A-1 zoned area of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone or in the Future Urbanizing area.

c. Cemeteries, mausoleums and crematories, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone or in the Future Urbanizing Area.

d. Fairgrounds, except in the Future Urbanizing area, provided that permanent buildings and/or fill shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

e. Newspaper publishing plants, except in the A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area.

f. Race tracks, except in the A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area.

g. Major stationary facilities for the aerial transmission or relay of electromagnetic communications signals,

including, but not limited to, radio or television transmission stations and broadcasting studios, microwave relay stations, paging broadcast facilities, and cellular mobile telephone transmitting facilities.

h. Camping parks, together with incidental facilities limited to serving the needs and convenience of occupants only, in the following zones:

(1) and (2) [No change.]

(3) Any agricultural zone, provided that permanent buildings and/or fill shall not be permitted in areas of the Coastal Zone or the Future Urbanizing area subject to the FPF (Floodplain Fringe) Overlay Zone.

i. Any hazardous waste facility project, as defined in Section 101.0516, in any manufacturing or agricultural zone; subject to the additional provisions in Section 101.0516.

j. Any facility, activity, or use of property in any agricultural or manufacturing zone which is required by federal law to obtain a Research, Development and Demonstration Permit for Hazardous Waste

Treatment from the Environmental Protection Agency or any other agency of the United States Government pursuant to the Federal Resource Conservation and Recovery Act.

k. Golf courses, golf practice driving tees or ranges, pitch-and-putt golf courses, and miniature golf courses. Within the Future Urbanizing area lodging facilities shall not be permitted as accompanying or accessory uses; clubhouse, food service, and other customary incidental uses shall not constitute an irrevocable use of the land, and shall be limited in use, size, and capacity to serve the needs and convenience of the users of the golf facility only; and reclaimed water shall be required to be used for irrigation of all landscaped areas.

1. Natural resources development and utilization including, but not limited to:

(1) Extracting, processing, storing, selling and distributing of sand, gravel, rock, clay, decomposed granite, and soil; and

(2) Manufacturing, producing, processing, storing, selling and distributing of asphaltic concrete, Portland cement concrete, concrete

products, and clay products.

Those activities, defined in Section 2735 of the California Surface Mining and Reclamation Act of 1975 as surface mining operations, shall comply with the requirements of Section 101.0511, including a requirement for a reclamation plan for activities conducted subsequent to January 1, 1976 and the phased implementation of an approved restoration and reclamation plan.

m. Residential, commercial, industrial, or institutional uses in and on historical sites, except that only residential uses may be permitted in the Future Urbanizing area.

5. [No change.]

6. Conditional uses permitted in the FW Zone shall be limited to those uses identified in Section 101.0403.

D. through F. [No change.]

G. ACTION OF THE DECISIONMAKER

1. through 4. [No change.]

5. In granting a Conditional Use Permit, the Decisionmaker may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which property is situated including, but not limited to, signs,

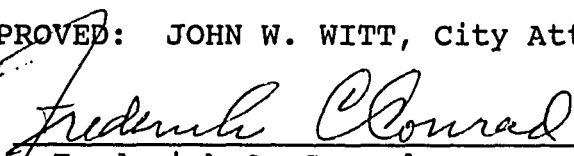
fences, walls, maximum building heights, density, minimum yards, maximum building coverage, floor area ratio and off-street parking may be increased or decreased, except that density may not be increased within the Future Urbanizing area. If deemed appropriate the Decisionmaker may assign an expiration date to the permit.

H. through Q. [No change.]

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
07/16/90
08/22/90 REV. 1
11/09/90 REV. 2
02/20/92 REV. 3
O-90-219
Form=o+t

DEC 1 0 1990

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input checked="" 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 *Blonde R. Barnes*, 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

NOV 1 9 1990

DEC 1 0 1990

~~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 *Blonde R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17560 Adopted DEC 1 0 1990

CERTIFICATE OF PUBLICATION

CITY CLERK'S OFFICE
202 C ST., 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: RHONDA BARNES

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4,

ORDINANCE NUMBER 017561 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0403 RELATING TO FW ZONE (FLOODWAY).

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 and the same is hereby amended by amending Section 101.0403, to read as follows:
SEC. 101.0403 FW ZONE (FLOODWAY)

- A. (No change.)
- 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. through 9. (No change.)
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. (No change.)
b. Establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, recreational facilities privately operated, except in the Future Urbanizing area.
c. Fairgrounds, except in the Future Urbanizing area.
d. and e. (No change.)
f. Race Tracks, except in the Future Urbanizing area.
g. Camping parks together with incidental facilities limited to serving the needs and the convenience of occupants, except in the Future Urbanizing area.
11. through 13. (No change.) C. through E. (No change.)

- F. COASTAL ZONE REGULATIONS
Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict, shall supersede, the regulations set forth or referenced in preceding paragraphs of this Section.
1. Permitted Uses (see also Subsection B.).
a. (No change.)
b. All other uses set forth in Subsection B. except the following:
1) (No change.)
2) Establishments or enterprises involving large assemblages of people or automobiles including recreational facilities, where such facilities would require permanent buildings and/or fill within the floodway of the channelization or other substantial alteration of rivers and streams, except that such uses may not be permitted in the Future Urbanizing area.
3) (No change.)
4) Camping parks, where fill is required, except that such uses may not be permitted in the Future Urbanizing.
5) (No change.)
2. and 3. (No change.)

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.
INTRODUCED ON NOV 19 1990 Passed and Adopted by the Council of The City of San Diego on DEC 10 1990
AUTHENTICATED BY:
MAUREEN O'CONNOR Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR City Clerk of The City of San Diego, CA
(SEAL)
By RHONDA R. BARNES, Deputy.
Pub. December 26 206864

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

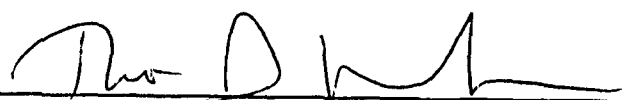
ORDINANCE NUMBER 017561 (NEW SERIES)

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:

DEC. 26

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

Dated at San Diego, California this 26TH day of DEC, 1990.


(Signature)

5 1/4 x 2 = 131.04