

(O-85-209)

ORDINANCE NUMBER O- 16503 (NEW SERIES)

ADOPTED ON SEP 9 1985

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 1, 5 AND 6, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.0101.94, 101.0101.94.1 AND 101.0630, AND AMENDING SECTIONS 101.0500, 101.0501 AND 101.0502, RELATING TO SATELLITE ANTENNA.

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

Section 1. That Chapter X, Article 1, Divisions 1 and 6, of the San Diego Municipal Code be and the same are hereby amended by adding Sections 101.0101.94, 101.0101.94.1 and 101.0630 to read as follows:

SEC. 101.0101.94 SATELLITE ANTENNA

Any antenna capable of transmitting or receiving signals from a transmitter or a transmitter relay located in a planetary orbit. This may include, but is not limited to, "satellite earth station," "satellite receiving dish" and "dish antenna."

SEC. 101.0101.94.1 ANTENNA HEIGHT

The height of the antenna or dish measured vertically from the highest point, when positioned for operation, to the lowest point, which is defined as bottom of the base at either roof or ground level.

SEC. 101.0630 SATELLITE ANTENNA

Satellite Antennas are permitted in all zones as accessory uses. They are defined in SEC. 101.0101.94. If the satellite

antenna does not have a dish element, that is generally circular and reflective and has a diameter (or its equivalent) of less than two (2) feet, the antenna is not subject to these requirements. A satellite antenna, which has this element, which exceeds the equivalent of a diameter of two (2) feet, is permitted in all zones subject to the provisions of this section and the provisions of the underlying zone.

Any deviations from the following regulations may be permitted by a Satellite Antenna Permit in accordance with SEC. 101.0502.

1. Satellite antennas shall be accessory uses of the property.
2. Satellite antennas shall be ground mounted.
3. Satellite antennas shall not be permitted on properties which have been designated as historic sites.
4. Satellite antennas shall be located in the rear forty (40) percent of lots.
5. Satellite antennas shall comply with minimum yard requirements of the underlying zone.
6. Satellite antenna height shall not exceed fifteen (15) feet.
7. Satellite antennas shall be located on lots where a 6 foot solid wall, fence, or hedge is installed between the antenna and the property line.
8. Satellite antennas shall not be located in the Hillside Review Overlay Zone.

The Planning Commission shall conduct a public hearing, two years after the adoption of this ordinance to review the Satellite Antenna Permit process, the "Development Guidelines for Satellite Antennas," and this section.

Section 2. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0500, 101.0501 and 101.0502 to read as follows:

SEC. 101.0500 ZONING ADMINISTRATOR - POWERS AND DUTIES

The Zoning Administrator shall have the following powers and duties:

1. through 4. - No change.
5. To grant a Satellite Antenna Permit, pursuant to SEC. 101.0502 for satellite antennas.

In granting any permit described above, the Zoning Administrator may impose such conditions as deemed necessary or desirable to protect the public health, safety and general welfare.

SEC. 101.0501 BOARD OF ZONING APPEALS

A. and B. - No change.

C. POWER AND DUTIES

The Board shall hear and determine appeals from the rulings, decisions and determinations of the Zoning Administrator, granting or denying applications for Conditional Use Permits, or for other permits, or for variances from the zoning provisions of the Municipal Code or zoning ordinances.

SEC. 101.0502 ZONE VARIANCE OR OTHER PERMITS GRANTED BY
ZONING ADMINISTRATOR

A. APPLICATION - FORM AND CONTENTS

Application for a zone variance or other permits may be made by the owner of the property affected or it may be initiated by the Zoning Administrator. Application shall be filed with the Zoning Administrator. The application shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans (including landscaping plans) and a legal description of the property involved.

B. HEARING BEFORE THE ZONING ADMINISTRATOR - PROCEDURE

1. An advertised public hearing shall not be required when the application is for limited relief in the case of:

a through e - No change.

f. A Reconstruction Permit.

g. A temporary construction yard and/or a temporary construction project office permit.

h. A Satellite Antenna Permit.

2. In all those cases listed in paragraph "B.1." of this section, the Zoning Administrator shall set a reasonable time for the consideration of the variance or other permits, and give notice thereof to the applicant and may give notice to any other interested persons.

3. - No change.

4. In addition to the methods set forth in paragraphs "B.3.a." or "B.3.b." of this section, the Zoning

Administrator may use other methods which are found to be desirable in giving proper notice of the hearing.

5. - No change.

6. Upon the date set for the hearing, the Zoning Administrator shall hear the application unless cause is found on that date to continue the matter. If a date and time certain for the continued hearing is announced in the open meeting, no further notice need be given.

C. DECISION OF THE ZONING ADMINISTRATOR

1. If a public hearing is not held as provided for in paragraph "B.1." of this section, the Zoning Administrator shall render the decision upon the completion of the investigation of the facts, as set forth in the application and the review of the circumstances of the particular case. If a public hearing is held, the decision shall be rendered at the conclusion of the hearing.

2. and 3. - No change.

4. The Zoning Administrator may grant a Satellite Antenna Permit when it shall appear from the facts contained in the application, from information obtained by the Zoning Administrator, and from the evidence presented, that the proposal is in conformance with the standards set forth in the document entitled "Development Guidelines for Satellite Antennas," adopted by the City Council by Resolution R-263861, on file in the office of the City Clerk.

5. If the Zoning Administrator, after considering the facts presented in the case, is unable to reach the conclusions set forth in paragraph "C.2." or "C.3." or "C.4." of this section, the variance or other permit shall be denied.

6. In granting a variance or other permit, the Zoning Administrator may impose conditions as deem necessary and desirable to protect the public health, safety, and general welfare, and may impose a time limit within which the variance or other permit must be utilized.

7. The written decision of the Zoning Administrator, which shall include findings of fact, shall be filed in the office of the Zoning Administrator and, at their discretion, with the County Recorder of San Diego County. A copy shall be mailed to the applicant. The written decision shall not be filed with the County Recorder if it constitutes a denial of the variance or other permit.

8. When the decision of the Zoning Administrator is not appealed as provided for in Section 101.0504, the decision shall be final on the eleventh day following the decision in those cases where a public hearing was held, and shall be final on the sixth day following a decision in those cases where a public hearing was not held.

D. EXTENSION OF TIME

1. The Zoning Administrator may grant an extension of time to a valid variance or other permit which has been granted if it is found that there has been no material change of circumstances since the granting of the variance or other permit.

2. A request for an extension of time shall be in writing and shall be filed by the owner of the property covered by the variance or other permit, and shall be filed with the Zoning Administrator, who may require a public hearing, if it is determined that a hearing is in the public interest. In the event that a hearing is ordered, the procedure for noticing shall be as set forth in paragraph "B." of this section.

3. The written decision of the Zoning Administrator granting or denying the extension of time shall contain a finding of facts relied upon in reaching the conclusions and shall be filed in the office of the Zoning Administrator, and a copy shall be mailed to the applicant.

E. AMENDMENT OF VARIANCE OR OTHER PERMITS

1. The Zoning Administrator may grant an amendment to a valid variance or other permit which has been granted if, after considering the facts presented on the application and at the hearing, the conclusion set forth in paragraph "C." of this section may be reached.

2. The application for an amendment to a variance or other permits shall be in writing, and shall be filed by the owner of the property. The application shall be filed with the Zoning Administrator who may require a public hearing on such application if it is determined that a hearing is in the public interest.

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 City Attorney

FCC:ib:630
05/30/85
Or.Dept:Plan.
O-85-209
Form=o.code

Strike-out and underlining copy

SEC. 101.0101.94

SATELLITE ANTENNA

Any antenna capable of transmitting or receiving signals from a transmitter, or a transmitter relay located in a planetary orbit.

This may include, but is not limited to, "satellite earth station," "satellite receiving dish," and "dish antenna."

SEC. 101.0101.94.1

ANTENNA HEIGHT

The height of the antenna or dish measured vertically from the highest point, when positioned for operation, to the lowest point, which is defined as bottom of the base at either roof or ground level.

DIVISION 5

ZONING ADMINISTRATOR PERMITS AND PROCEDURES

SEC. 101.0500

ZONING ADMINISTRATOR - POWERS AND DUTIES

The Zoning Administrator shall have the following powers and duties:

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1. through 4. - no amendment.

5. To grant a Satellite Antenna Permit, pursuant to
SEC. 101.0502 for satellite antennas.

In granting any permit described above, the Zoning Administrator may impose such conditions as deemed necessary or desirable to protect the public health, safety and general welfare in accordance with the purpose and intent of the Municipal Code.

SEC. 101.0501 BOARD OF ZONING APPEALS

A. and B. - no amendment.

C. POWER AND DUTIES

The Board shall hear and determine appeals from the rulings, decisions and determinations of the Zoning Administrator, granting or denying applications for Conditional Use Permits, Reconstruction or for other P permits, or for variances from the zoning provisions of the Municipal Code or zoning ordinances.

SEC. 101.0502 ZONE VARIANCE OR RECONSTRUCTION OTHER
PERMITS GRANTED BY ZONING ADMINISTRATOR

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O-16503

A. APPLICATION - FORM AND CONTENTS

Application for a zone variance or Reconstruction other P permits may be made by the owner of the property affected or it may be initiated by the Zoning Administrator. Application shall be filed with the Zoning Administrator, upon forms provided by him. The application shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans (including landscaping plans) and a legal description of the property involved.

B. HEARING BEFORE THE ZONING ADMINISTRATOR - PROCEDURE

1. An advertised public hearing shall not be required when the application is for limited relief in the case of:

a through e - no amendment.

f. A temporary construction yard and/or a temporary construction project office permit.
A Reconstruction Permit.

g. A temporary construction yard and/or a temporary construction project office permit.

h. A Satellite Antenna Permit.

2. In all those cases listed in paragraph "B.1." of this section, the Zoning Administrator shall set a reasonable time for the consideration of the variance or Reconstruction other P permits, and give notice thereof to the applicant and may give notice to any other interested persons. Upon the date set for the hearing, the Zoning Administrator shall hear the application unless for cause he shall on that date continue the matter. If a date certain for the continued hearing is announced in the open meeting, no further notice thereof need be given.
3. - no amendment.
4. In addition to the methods set forth in paragraphs "B.3.a." or "B.3.b." of this section, the Zoning Administrator may use other methods which he finds are found to be desirable in giving proper notice of the hearing.
5. - no amendment.
6. Upon the date set for the hearing, the Zoning Administrator shall hear the application unless for cause is found he shall on that date to continue the matter. If a

date and time certain for the continued hearing is announced in the open meeting, no further notice need be given.

C. DECISION OF THE ZONING ADMINISTRATOR

1. If a public hearing is not held as provided for in paragraph "B.1." of this section, the Zoning Administrator shall render ~~his~~ the decision upon the completion of ~~his~~ the investigation of the facts, as set forth in the application and ~~his~~ the review of the circumstances of the particular case. If a public hearing is held, he ~~shall~~ render ~~his~~ the decision shall be rendered at the conclusion of the hearing.

2. and 3. - no amendment.

4. The Zoning Administrator may grant a Satellite Antenna Permit when it shall appear from the facts contained in the application, from information obtained by the Zoning Administrator, and from the evidence presented, that the proposal is in conformance with the standards set forth in the document entitled "Development Guidelines for Satellite Antennas," adopted by the City Council by Resolution R- _____, on file in the office of the City Clerk.

4- 5. If the Zoning Administrator, after considering the facts presented in the case, is unable to reach the conclusions set forth in paragraph "C.2." or "C.3." or "C.4." of this section, he shall deny the variance or Reconstruction other P permit. shall be denied.

5- 6. In granting a variance or Reconstruction other P permit, the Zoning Administrator may impose such conditions as he deems ed necessary and desirable to protect the public health, safety, and general welfare, and may impose a time limit within which the variance or Reconstruction other P permit must be utilized.

6- 7. The written decision of the Zoning Administrator, which shall include findings of fact s relied upon in reaching his conclusions, shall be filed with in the Director office of Building Inspection, the Zoning Administrator and, at the their discretion of the Zoning Administrator, with the County Recorder of San Diego County. A copy shall be mailed to the applicant. The written decision shall not be filed with the County Recorder if it

constitutes a denial of the variance or
Reconstruction other P permit.

- 7- 8. When the decision of the Zoning Administrator is not appealed as provided for in Section 101.0504, ~~his~~ the decision shall be final on the eleventh day following the decision in those cases where a public hearing was held, and shall be final on the sixth day following a decision in those cases where a public hearing was not held.

D. EXTENSION OF TIME

1. The Zoning Administrator may grant an extension of time to a valid variance or Reconstruction other P permit which has been granted if he finds it is found that there has been no material change of circumstances since the granting of the variance or Reconstruction other P permit.
2. A request for an extension of time shall be in writing and shall be filed by the owner of the property covered by the variance, or other permit, The request and shall be filed with the Zoning Administrator, who may require a public hearing, on such request if he it is determined

that a hearing is in the public interest. In the event that a hearing is ordered, the procedure for noticing shall be as set forth in paragraph "B." of this section.

3. The written decision of the Zoning Administrator granting or denying the extension of time shall contain a finding of facts relied upon in reaching ~~his~~ the conclusions and shall be filed ~~with~~ in the Director office of Building Inspection the Zoning Administrator, and a copy shall be mailed to the applicant.

E. AMENDMENT OF VARIANCE OR ~~RECONSTRUCTION~~ OTHER PERMITS

1. The Zoning Administrator may grant an amendment to a valid variance or ~~Reconstruction~~ other P permit which has been granted if, after considering the facts presented on the application and at the hearing, ~~he is able to reach~~ the conclusion set forth in paragraph "C." of this section - may be reached.
2. The application for an amendment to a variance or ~~Reconstruction~~ other P permits shall be in writing, and shall be filed by the owner of the property. The application shall be filed with the Zoning Administrator who may require a public hearing on

such application if he it is determines
d that a hearing is in the public interest.

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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 Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
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 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

AUG 13 1985

SEP 9 1985

, and on

~~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 0-16503 Adopted SEP 9 1985

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"/>	
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 Struikama	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
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 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

AUG 13 1985, and on SEP 9 1985

~~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 <u>0-16503</u>	Adopted <u>SEP 9 1985</u>