

ORDINANCE NUMBER O- 19369 (NEW SERIES)

ADOPTED ON MAY 03 2005

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 141.0420 PERTAINING TO WIRELESS COMMUNICATION FACILITIES REGULATIONS.

WHEREAS, on August 10, 2004, Chapter 14, Article 1, Division 4, of the San Diego Municipal Code was amended by adding Section 141.0420, entitled "Wireless Communication Facilities," by Ordinance No. O-19308.

WHEREAS, Ordinance No. O-19308 is waiting certification by the California Coastal Commission; NOW, THEREFORE,

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

Section 1. That Chapter 14, Article 1, Division 4 of the San Diego Municipal Code is amended by amending Section 141.0420, to read as follows:

§ 141.0420 **Wireless Communication Facilities**

*Wireless communication facilities* are permitted as a limited use in accordance with Process One in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the regulations in Section 141.0420. *Wireless communication facilities* that do not comply with Section 141.0420(c)(1) or are in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) may also be permitted with a Neighborhood Use Permit, subject to the regulations in Section 141.0420(d).

*Wireless communication facilities* may also be permitted with a Conditional Use

Permit decided in accordance with Process Three, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), except that *wireless communication facilities* in areas described in Section 141.0420(f) may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

- (a) The following uses are exempt from the provisions of Section 141.0420:
  - (1) [No change in text.]
  - (2) One single dish *antenna* 24-inches or less in diameter or one remote panel *antenna* 24-inches or less in length and width, except when associated with a *wireless communication facility*.
- (b) [No change in text.]
- (c) Limited Use Regulations
  - (1) *Wireless communication facilities* are permitted as a limited use subject to the following regulations:
    - (A) through (C) [No change in text.]
  - (2) [No change in text.]
- (d) Neighborhood Use Permit Regulations
  - (1) *Wireless communication facilities on premises* containing residential or mixed uses in a Commercial or Industrial Zone.
  - (2) *Wireless communication facilities on premises* containing a non-residential use within a Residential zone where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary

uses: day care, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.

(3) *Wireless communication facilities* in Agricultural Zones where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-residences. The 100 feet shall be measured from the two closest points.

(4) *Wireless communication facilities* proposed in dedicated parkland where the *antennas* associated with the *wireless communication facility* are located more than 100 feet from the property line of the following primary uses: day cares, elementary and middle schools, single or multi-unit residences. The 100 feet shall be measured from the two closest points.

(e) [No change in text.]

(f) Conditional Use Permit Regulations (Process Four)

(1) Except as provided in Section 141.0420(d)(4), *wireless communication facilities* proposed in dedicated parkland.

(2) Except as provided in Sections 141.0420(d)(2) and 141.0420(e)(1), *wireless communication facilities* proposed in Residential Zones.

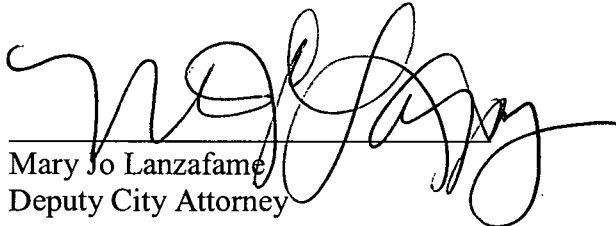
(3) [No change in text.]

(g) through (i) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment, but not sooner than thirty days from the date of adoption by the City Council.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Mary Jo Lanzafame  
Deputy City Attorney

MJL:jab  
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