

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE FOR ZONE AMENDMENT (ZA-10-00001 REVISION 2) MODIFYING ARTICLE 39 OF THE OCEANSIDE ZONING ORDINANCE REGARDING WIRELESS COMMUNICATION FACILITIES

WHEREAS, on October 20, 2010, the City Council of the City of Oceanside, following a duly advertised public hearing, repealed Article 30, Section 3025 of the 1992 Oceanside Zoning Ordinance and approved Zone Amendment Application ZA-10-00001, amending the text of the Oceanside Zoning Ordinance by adding a new Article 39 regarding Wireless Communications Facility, Satellite Dish and Antenna Standards;

WHEREAS, on February 23, 2011, the City Council of the City of Oceanside, following a duly advertised public hearing, approved Zone Amendment ZA-10-00001 Revision, amending the text of the Oceanside Zoning Ordinance by adding a new Article 39A regarding amateur radio facilities;

WHEREAS, concurrent and consistent with its approval of Zone Amendments ZA-10-00001 and ZA-10-00001 Revision, the City Council of the City of Oceanside adopted modifications to the City's Local Coastal Program ("LCP")—LCPA-10-00001 Revision—which were subsequently submitted to the California Coastal Commission for certification;

WHEREAS, on July 11, 2012, the California Coastal Commission approved, with suggested modifications, the LCPA-10-00001 and LCPA-10-00001 Revision, pursuant to Public Resources Code §30512(b);

WHEREAS, on November 28, 2012, the City Council of the City of Oceanside held a duly advertised public hearing to consider Zone Amendment ZA-10-00001 Revision 2, which incorporates changes to Article 39 suggested by the California Coastal Commission as a condition of the Coastal Commission's certification of LCPA-10-00001 and LCPA-10-00001 Revision; and

WHEREAS, based upon such evidence, testimony and staff reports, this Council finds that Zone Amendment ZA-10-00001 Revision 2, incorporating those modifications suggested

1 by the Coastal Commission, conforms to the General Plan and Local Coastal Program of the
2 City of Oceanside.

3 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

4 SECTION 1. Zone Amendment Application ZA-10-00001 Revision 2, amending the
5 text of the Zoning Ordinance as specified in Exhibit "A" is hereby approved, and the City
6 Planner is hereby directed to amend the Zoning Ordinance text as specified by this Ordinance.

7 SECTION 2. Severability. If any section, sentence, clause or phrase of this Ordinance is
8 for any reason held to be invalid or unconstitutional by a decision of any court of competent
9 jurisdiction, such decision shall not affect the validity of the remaining portions of this
10 Ordinance. The City Council hereby declares that it would have passed and adopted this
11 Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any
12 one or more sections, subsections, sentences, clauses or phrases be declared invalid or
13 unconstitutional.

14 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this
15 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
16 days after its passage in the North County Times, a newspaper of general circulation published
17 in the City of Oceanside.

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1 SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30th) day
2 from and after its final passage.

3 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
4 California, held on the ___ day of _____, 2012 and, thereafter,

5 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
6 Oceanside, California, held on the ___ day of _____, 2012, by the following vote:

- 7 AYES:
- 8 NAYS:
- 9 ABSENT:
- 10 ABSTAIN:

11 MAYOR OF THE CITY OF OCEANSIDE

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13 ATTEST:

APPROVED AS TO FORM:

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15 _____
CITY CLERK

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Matthew J. Hamilton, ASST.

CITY ATTORNEY

