

**SUBJECT:** Proposed text amendment for Schedule 1403-5 Specific Limitation, L-2, Antenna.

**PURPOSE:**

To replace the word phrase “may be” with the word phrase “permitted” and more clearly delineate the location for wireless communication antenna in SF and RF-R zone districts and remove an ambiguous dilemma that would allow for an interpretation.

**PROPOSED TEXT AMENDMENT:**

**Schedule 1403-05: Use Regulations - Single-family Districts**

***Specific Limitations***

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| <p>L1 Only expansion of existing cemeteries allowed with a conditional use approval.</p> <p>L3 Enclosures for food, small animals and commercial sales must be set back no less than 100 feet from lot lines.</p> <p>L5 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.</p> <p>L7 Only if accessory to a public or semi-public use.</p> <p>L9 Accessory uses determined by the Director of Buildings and Inspections to be customarily incidental to a use of the district are permitted. All others require conditional use approval.</p> | <p>L2 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may <u>only</u> be attached to an <u>permitted</u> agricultural, public or semi-public or public utility building or structure.</p> <p>L4 The minimum lot area for every resident is 800 square feet and the minimum living area for every resident is 250 square feet.</p> <p>L6 One commercial vehicle completely enclosed in a garage may be parked or stored on the lot with the following exceptions:<br/>a. An unlimited number of commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during actual time of parking.<br/>b. One commercial vehicle with current license owned by a resident of the residential property on which it is stored or parked not to exceed two tons in capacity.<br/>c. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.</p> <p>L8 Accessory to a public or semi-public use, provided the drive-box is at least 100 feet from any property used for residential purposes.</p> <p>L10 Mausoleums, columbaria and other incidental buildings and structures within and accessory to cemeteries, may be no less than 100 feet from abutting properties in the residential district and may not exceed the height limitation for principal buildings of the district in</p> |
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**Specific Limitations**

which it is located.

L11 No more than two rooming units may be rented or leased in a single-family dwelling.

L12 This use must be legally established prior to the effective date of this Zoning Code. The use has the rights of Chapter 1447, Nonconforming Uses and Structures except for the provisions of § 1447-09 Expansion of Nonconforming Use and § 1447-11 Substitution of a Nonconforming Use.

L13 Publicly owned or operated park and recreation facilities are permitted. All park and recreation facilities, private or non-profit, require a conditional use approval.

L14 Attached single-family is only permitted as part of a cluster housing development. See § 1403-13.

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**JUSTIFICATION:**

The amendment makes this section consistent with our intent to not have wireless communication antenna on every single-family building. This is a limitation that specifies the location of antenna on agricultural, public or semi-public utility building or structure. An example would be a water tower or a public park structure or city maintenance facility. Without this being a limitation the location of antenna would be a permitted use on any residential building or structure and our intent was not to have wireless communication antenna on every single-family building. This is a carry over from the previous code pre-2004 with some difference in word choices. In the current code the word phrase "may be" was inserted. In the previous code wireless communication antenna were "attached to permitted agricultural, public or semi-public utility building or structure". The previous code's use of the word "permitted" made clear that only those buildings or structures were allowed to have wireless communication antenna. Nonconforming use buildings or structures were not permitted to have wireless communication antenna in the previous code. In the current code, use of the word phrase "may be" creates an ambiguous dilemma that would allow for an interpretation and potentially permitting wireless communication antenna on nonconforming buildings and structures or other buildings or structures. *The Telecommunications Act (1996, I believe) severely limits our ability to deny the provision of wireless communication services. The opportunity for conditional use in regards to wireless communication antenna may be an alternative in this case so the government doesn't say we're violating their rules.*

**RECOMMENDATION:**

The Department of Community Development and Planning staff recommends that the City Planning Commission approve the requested text amendment.

**APPROVED:**

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Margaret A. Wuerstle, AICP, Chief Planner  
Department of Community Development & Planning

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3/8/07  
Amendment Committee