



## CITY COUNCIL AGENDA ITEM

**To:** Mayor Graham and City Council

**Thru:** Ted Shekell, Planning Director  
Walter Denton, City Administrator

**Date:** For November 21, 2005

**Subject:** Ordinance No.\_\_\_\_: An Ordinance approving Text Amendments to the Zoning Code for Cell Towers, General Administrative Provisions and Definitions, and Non-conformities and Vested Rights **(1<sup>st</sup> READING)**

---

**List of committees that have reviewed:** The Community Development Committee reviewed these zoning text amendments at its meeting on Nov 14, 2005 and unanimously recommended them for approval to the full Council.

**Background:** The following text amendments were considered by the Planning Commission under public hearing on November 8, 2005, where they were unanimously recommended for approval by the Council. A brief synopsis of each is as follows:

*Article 16 Cell Towers* – The version you have in the packets is a “strike-through” version which highlights two changes from the existing ordinance. First, Section 16.040 “General Requirements” provides for new changes in telecommunication law by requiring all cell providers in the unincorporated area within 1.5 miles of the City to provide us with notice that they intend to build a cell tower. They must also comply with our subdivision and land development regulations which are applicable in this 1.5 mile area. Secondly, Section 16.070 “Special Use Permit”, paragraph 3(f) states that “where alternate technology or design exists or is reasonably available that would satisfy the general need for the proposal, this factor is ordinarily not satisfied”, meaning that a provided must show that there is no feasible technologically

*Article 1 General Administration and Definitions* – This Article is a basic administrative chapter in the zoning code that addresses how the ordinance is to be administered, interpreted, and enforced. It is quite similar to the basic provisions of our current zoning code, however, it is much clearer and more detailed, giving more direct guidance to staff and the general public about the zoning codes requirements. The current administrative provisions of the code are scattered throughout the ordinance making it difficult for the staff and general public to use with any ease.

*Article 6 Nonconformities and Vested Rights* – This Article is also a general administrative provision of the zoning code relating to those uses that are grandfathered as a non-conforming use. It provides much clearer, specific guidance as to what constitutes a non-conforming use

and the rights of the general public pertaining to non-conforming uses. It replaces Article 6 of our current code (which is attached).

**Legal Considerations, if any:** None

**Budget Impact:** None

**Staff recommendation:** Staff recommends approving the text amendments as shown.