

DATE: September 7, 2011

SUBJECT: Proposed Ordinance No. 1415, an Ordinance of the City Council of the City of Palmdale, California, deleting and restating in its entirety Zoning Ordinance Section 95.03, Vertical Antennas, regarding the approval and permitting of Amateur Radio Antennas

ISSUING DEPARTMENT: Planning

SUMMARY

Issues:

Should the City Council: 1) approve the first reading of Ordinance No. 1415, hold a public hearing on said Ordinance and after closing the public hearing adopt Ordinance No. 1415?

Recommendation:

Approve the first reading of Ordinance No. 1415, hold a public hearing on said Ordinance and after closing the public hearing adopt Ordinance No. 1415.

Fiscal Impact:

Adoption of Ordinance No. 1415 will not result in any significant fiscal impact with processing fees covering the costs for processing of the antenna permits.

BACKGROUND

This item was continued from the April 6, June 1, and August 3, 2011, City Council hearings. Based upon input from the Amateur Radio Relay League (ARRL) and local Antelope Valley Amateur Radio Club, the Council directed staff to meet again with members of these organizations on June 1, 2011, to resolve certain issues concerning the provisions and requirements of the proposed ordinance. Staff had met with representatives from the Amateur Radio Relay League and the local Antelope Valley Amateur Radio Club on April 21, 2011, and discussed various items regarding the proposed ordinance. Based on these discussions, staff had modified certain definitions within the ordinance, increased the height limits for certain types of antenna/ antenna structures, and increased the permitted length of a horizontal antenna under the

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administrative approval processes. Staff also removed certain requirements regarding screening of antennas with vegetation.

Based upon City Council discussion during the June 1, 2011, meeting, staff has modified the ordinance to allow certain types of antennas without Planning Department review or approval and provided these changes to the ARRL representative for review. These antennas include the smaller roof or ground mounted antennas or the single element wire antennas discussed at the June 1, 2011, meeting and are proposed as follows:

1. A building-mounted fixed-height vertical whip antenna or compact horizontal antenna having a maximum height of not more than 10' above the highest point of the primary structure roof;
2. A ground-mounted fixed-height vertical or compact horizontal antenna having a maximum height of thirty-five (35) feet above grade provided that the antenna is located in the rear yard and does not encroach into any required setback; and
3. Single-element wire antennas and their support lines attached to any combination of trees, existing permitted structures, or a single support pole that does not exceed 2-1/2 inches in diameter, provided that the antenna is located in the rear yard, does not encroach into any required setback, and the highest point of any support pole does not exceed a height of thirty-five (35) feet above grade.

The height of the ground mounted or single element wire antenna support is based upon the permitted height of 35 feet for structures in the R-1 zone district.

It should be noted that staff has not modified the ordinance to the extent that it would remove Planning Department review of the larger and taller antennas through administrative approval, the Amateur Radio Antenna Permit, or Conditional Use Permit. Staff feels that any antenna which may exceed the height of primary structures within an agricultural or residential zone in the City requires some level of administrative approval through either the Zoning Clearance or Amateur Radio Antenna Permit. Site conditions such as lot size and topography may dictate approval of a shorter antenna/antenna structure and/or elimination or reduction of the width of any horizontal antenna.

All of the proposed regulations reasonably accommodate amateur radio communications while ensuring that amateur radio antennas are designed, installed and located in a manner that ensures compatibility with adjacent and surrounding land uses and/or the community and minimizes potential adverse aesthetic effects. Further, the ordinance provisions do not unreasonably interfere with the ability of an operator to receive or transmit signals. The proposed ordinance sets forth general regulations and establishes antennas exempt from regulation as well as the processes for the permitting of all other amateur radio antennas to include an Administrative Zoning Clearance, an Amateur Radio Antenna Permit, and a Conditional Use Permit.

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Antennas installed under an Amateur Radio Antenna permit require a written notice to all property owners located within one hundred feet of the parcel prior to an administrative decision. Similar to the administrative approval above, conditions such as lot size and topography may dictate approval of a shorter antenna/antenna or reduction of the width of any horizontal array. Specific findings must be made for the approval of an Amateur Radio Antenna Permit as specified in Section 26.11.G.

All other antennas that are not permitted by administrative approval or an Amateur Radio Antenna permit require the approval of a Conditional Use Permit approved by the Planning Commission. In granting a permit, the Planning Commission may impose conditions that are reasonably necessary to accomplish the intent or purpose of the Ordinance Section, provided that the conditions do not unreasonably interfere with the ability of the applicant to receive or transmit signals from or to the intended location.

ENVIRONMENTAL REVIEW

An environmental initial study was prepared in accordance with the California Environmental Quality Act (CEQA), which determined that proposed Zoning Ordinance Amendment 11-02 to amend Section 95.03, Vertical Antennas, of the Zoning Ordinance will not have a significant impact on the environment.

CONCLUSION

The City's Zoning Ordinance is intended as a regulatory document to implement the goals, policies and objectives contained within the City's General Plan. As such, the Zoning Ordinance document must be clear and accurate to ensure that it reflects the full intent of the General Plan. A copy of the March 10, 2011, staff report presented to the Planning Commission has been forwarded to the City Council under separate cover.

Submitted by:

Reviewed by:

Richard Kite
Planning Manager

Laurie Lile
Assistant City Manager

Stephen H. Williams
City Manager

Attachments

1. Initial Study (under separate cover)
2. Ordinance No. 1415

Attachments to this Staff Report may be viewed at City Hall or the Main Library.
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