

ATTACHMENT I

Section 95.03 Amateur Radio and Residential Television Antennas

A. Purpose and intent

The City of Palmdale is an attractive planned community with a history of high quality design, open vistas and underground utilities in residential areas. The City wishes to maintain an environment of the highest value and quality in which all citizens may take pride and enjoyment, consistent with the goals and objectives of the Palmdale General Plan.

A basic community objective, as contained in the City's General Plan Land Use and Circulation elements, is to encourage desirable urban character and appearance. The City finds that regulation of the size, location, height and screening of antennas is necessary to accomplish this objective.

The City further finds that regulation of the size, location, height and screening of antennas is necessary for the preservation of the health, safety and welfare of the community. More stringent regulation of antennas is necessary in residential areas compared to nonresidential areas in order to preserve neighborhood compatibility and the open vistas and appearance of the community. An amateur radio antenna, the operation of which causes unreasonable interference with electrical equipment in the surrounding neighborhood, is not compatible with that neighborhood.

The regulations adopted herein are the minimum practicable regulation necessary to accomplish the City's legitimate purpose of protecting all of its citizens and their rights as described herein.

The purposes of this Section are:

1. To establish an application process and standards for installation of antennas while preserving the attractive appearance of the community;
2. To promote the public health, safety and welfare;
3. To accommodate reasonably the needs of licensed amateur radio operators; and
4. To protect the rights of the public to have access to programming received through residential television receive-only antennas and other electronic devices.

Draft Zoning Ordinance Section 95.03

5. Further it is the purpose of these regulations to ensure that residential television and amateur radio antennas are designed, installed and located in a way that avoids hazards to public health and safety, minimizes adverse aesthetic effects, and is compatible with the surrounding neighborhood by preventing adverse visual, health, safety, and other impacts on the surrounding properties and/or the community while at the same time reasonably accommodating amateur radio service communications.

It is the intent of the City in adopting this Chapter to recognize the Federal Communications Commission's limited preemption of local regulations governing amateur radio station facilities and to adopt the minimum practicable regulations to accomplish the City's legitimate purposes.

B. Definitions

Amateur Radio Antenna. The term "amateur radio antenna" is interchangeable with the term "ham radio antenna" and shall mean any antenna, including a whip antenna and horizontal array antenna, which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna. An antenna is any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.

Antenna Structure. The term "antenna structure" refers collectively to an antenna and its supporting mast or tower, if any.

Derrick-style antenna support structure. Derrick-style means similar to that of an oil derrick with a larger base and becoming narrower as it extends upward.

Height. The height of an antenna structure shall be measured from the highest point of the antenna structure to the natural grade at the point the mast touches, or if extended, would touch, the ground.

Horizontal antenna or horizontal array. The terms horizontal antenna or horizontal array shall mean any portion of an antenna or antenna structure which is not vertical when in use.

Mast. The term "mast" shall mean a pole of wood or metal, or a tower fabricated of metal, used to support an amateur radio antenna and maintain it at the proper elevation and is included in the definition of antenna structure.

Draft Zoning Ordinance Section 95.03

Screening. The term “screening” means materials intended to block or partially block views of an antenna.

Vertical Antenna. A vertical antenna is an antenna that extends vertically, directly up from its base.

Whip Antenna. The term "whip antenna" shall mean an antenna consisting of a single, slender, rod-like element, which extends vertically and is supported only at or near its base.

C. Regulations Generally

1. No residential television and amateur radio Antenna or support thereof shall be erected, installed, placed or maintained upon any lot or upon any building or structure except in compliance with this Chapter.
2. Antennas and towers shall be of single pole construction only, and no lattice work structures, no oil derrick style structures, and no structures with guy wires shall be used or constructed.
3. Amateur radio antennas shall be designed, installed, and maintained in compliance with Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC) standards.
4. Amateur radio antennas shall not be operated in a manner which causes unreasonable interference with electrical equipment in the surrounding area, as more particularly described in Federal regulations.
5. No signage shall be allowed on any antenna, except for requisite safety text and other labeling required by law.
6. No portion of any antenna or antenna support structure shall be allowed within any required setback areas.
7. No more than one antenna structure and one whip antenna shall be permitted on each site.

D. The following types of antennas are prohibited:

1. Any antenna or antenna structure that extends into any required set back or across a property line, or, if it is a directional antenna, could extend across a property line when rotated.
2. Derrick-style antenna support structures.

Draft Zoning Ordinance Section 95.03

E. The following types of antennas may be installed without prior approval of the Planning Department of the City of Palmdale. However, they may still be required to obtain a building permit from the Building and Safety Department.

1. Antennas that are installed, placed or maintained and used under the roof, or extend no more than one inch above the roof, or are behind and below an approved architectural feature and do not protrude above the highest point of the building and are not visible from a public right-of-way or other private property, including upper floors of adjacent buildings.
2. Antennas that are handheld.
3. Antennas mounted on vehicles which are consistent with the vehicle code, i.e., extend no more than thirteen feet six inches from grade and no more than two inches from the side of the vehicle.
4. Antenna installations intended for use by the City of Palmdale or another governmental agency.
5. A single vertical antenna mounted directly on the ground or on a roof that complies with the following:
 - a. Is located in a non-residential zone or in a residential zone where the lot on which the antenna is located and all lots within a 1,000 foot radius are at least one acre in size; and
 - b. The height extends no more than six feet above the main structure; and
 - c. Where such antenna is located behind and attached to the main structure on the lot if ground-mounted, and on the back quarter of the roof if roof-mounted; and
 - d. Where the antenna is colored to minimize its reflectivity and blend with its surroundings as much as possible.

F. Process—Minor Modification or Conditional Use Permit required.

Any installation of an antenna that is not otherwise allowed pursuant to Section E or prohibited pursuant to Section D shall require a Minor Modification approved by the Planning Director/designee or a Conditional Use Permit approved by the Planning Commission, as set forth below.

Draft Zoning Ordinance Section 95.03

1. A single vertical antenna mounted directly on the ground or on a roof, meeting the following requirements, may be installed upon the granting of a Minor Modification by the Planning Director/designee pursuant to Section 26.04 and the additional requirements set forth in this Subsection:
 - a. In a residential district, the height extends no more than six feet above the main structure or in a non-residential district the height extends no more than fifteen feet above the main structure; and
 - b. Such antenna is located behind and attached to the main structure on the lot if ground-mounted, or on the back quarter of the roof if roof-mounted; and
 - c. Such antenna is colored to minimize its reflectivity and blend with its surroundings as much as possible; and
 - d. Such antenna is compatible with the surrounding neighborhood in that it does not cause adverse visual, health, safety, or other adverse impacts on the surrounding properties.
2. The Planning Director/designee may issue a Minor Modification upon making the findings set forth in Section 26.04 and also Subsection F.1 herein, in accordance with the following:
 - a. At the cost of the applicant, notice of any Minor Modification granted pursuant to this Subsection shall be mailed to surrounding property owners as defined in Section 20.02 B.1.g and also to any affected homeowner's association. Such notice shall include notice that any appeal to the Minor Modification must be filed with the City within thirty days of the date the notice was mailed.
 - b. An applicant or any interested person may file an appeal to the Planning Commission, of the Planning Director's decision to issue or deny a Minor Modification, which appeal will automatically stay the director's decision and/or rescind any Minor Modification issued and cause the application to be processed as an application for a Conditional Use Permit. An appeal must be filed within thirty days after the date of the notice.
 - c. The Minor Modification shall become effective thirty days from the date the notice was mailed if no appeal is received within that time. If an appeal is received within such time, the Minor Modification shall be rescinded and the applicant shall file an application for a conditional use permit to obtain permission to install or construct the antenna.
3. Installation of any antenna not prohibited pursuant to Section D, allowed pursuant to Section E or allowed pursuant to Subsection F.1, shall require a

Draft Zoning Ordinance Section 95.03

Conditional Use Permit approved by the Planning Commission pursuant to Article 22 and the additional requirements set forth herein.

4. Application for a Minor Modification or Conditional Use Permit shall be on forms provided by the Planning Department and shall include the information listed in Section 22.03 of this Zoning Ordinance, and such additional information as requested by the Planning Director and for amateur radio antennas shall also include the following:
 - a. The name, address and call letters of the amateur radio operator;
 - b. Site plans drawn to scale and dimensioned, showing the proposed location of the antenna structure;
 - c. Manufacturer's specifications of the antenna structure;
 - d. Details of footings, supports, and braces;
 - e. Details of attaching or fixing the antenna structure to the roof, if applicable;
 - f. Elevations drawn to scale and dimensions so as to fully describe the proposed antenna structure;
 - g. A statement indicating any mitigation measures proposed to minimize any adverse effects of the antenna or antenna structure. Such measures may include screening, painting, increased setbacks from property lines, and safety devices;
 - h. A statement of the reasons why an antenna as permitted under Subsection E will unreasonably interfere with the operator's ability to receive or transmit signals;
 - i. A map drawn to a scale specified by the director indicating where all such ownerships are located;
 - j. A complete and detailed list of the equipment and the proposed maximum transmission power wattage to be used;
 - k. A discussion of other available methods to accomplish amateur radio communication without exceeding the development standards which do not require Planning approvals;

Draft Zoning Ordinance Section 95.03

- l. A representative list of electronic devices which could receive interference from ham radio operation; e.g., home radio, stereo, televisions, heart pacemakers, infant alarm systems, cordless telephones;
 - m. Address and telephone number of the nearest Federal Communications Commission office, which will receive and investigate reports of interference by ham radio operation;
 - n. A list, certified to be correct by affidavit or by a statement under penalty of perjury, of the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as surrounding property owners as defined in Subsection 20.02 B 1 g. of this Zoning Ordinance;
 - o. Two sets of mailing labels for the above-stated surrounding property owners;
 - p. A filing fee equivalent to the fee for a Conditional Use Permit as established by the City Council; and
 - q. The City may, at the discretion of the Planning Director, retain the services of a consultant to assist in the evaluation of an antenna proposal with the cost of such services to be paid for by the applicant.
5. Findings for approval.

In addition to the findings required for approval of a Minor Modification by Section 26.04 and for approval of a Conditional Use Permit pursuant to Article 22, the approving authority shall make the following findings prior to approving a Minor Modification or Conditional Use Permit for an antenna or antenna support structure:

- a. That the applicant has demonstrated that strict compliance with the development standards specified in Subsection E herein would unreasonably interfere with the applicant's ability to receive or transmit signals, or that strict compliance with said development standards is not, under the circumstances of the particular case, necessary to achieve the goals and objectives of this Section.
- b. That the antennas, including antenna support structures and accessory equipment shall be located, sized and designed so as to minimize the amount of the antenna that is visible from surrounding properties, public streets and all public rights-of-way, recognizing that complete screening may not be possible.

Draft Zoning Ordinance Section 95.03

- c. That in the case of amateur (ham) radio antennas, the use permit would accommodate reasonably the amateur's desire for communication, while at the same time requiring the minimum practicable regulation to accomplish the City's legitimate purpose of protecting the public health, safety, welfare, aesthetics and compatibility with the neighborhood.
- d. There is adequate space on the property for the antenna and antenna support structure without conflicting with buildings on the property or usable yard areas required by other sections of the Zoning Ordinance;
- e. The antenna would not despoil the primary view of a neighbor;
- f. There are trees or a nearby landform that would serve as a backdrop to mask the silhouette of the antenna;
- g. There are trees or other features in the neighborhood that represent existing tall features as part of the neighborhood character.

In granting the permit, the approving authority may impose conditions reasonably necessary to accomplish the purposes of this Section, provided those conditions do not unreasonably interfere with the ability of the applicant to receive or transmit signals.

- G. Additional Requirements. The following are the minimum requirements; however, the approving authority may impose greater restrictions as necessary to protect the public health, safety, welfare, aesthetics and compatibility with the neighborhood.
- 1. Height. The antenna shall not exceed the minimum height determined by the approving authority to be reasonably necessary to achieve transmission and reception. The applicant shall provide information and fund any expert evaluation of the specific site being requested as required by the approval authority to document the minimum height required to the satisfaction of the approving authority.
 - 2. Screening. Ham radio antennas shall be screened to the extent practicable with vegetation, trellises or other means acceptable to the approving authority even though the screening may somewhat diminish the effectiveness but provided that it does not significantly impair the operation of the antenna.
 - 3. Insurance. The antenna owner shall provide proof of liability insurance in the event that the antenna falls and damages persons or property. Such insurance shall be maintained as long as the antenna is in place.

Draft Zoning Ordinance Section 95.03

4. Modifications. Any Conditional Use Permit for a ham radio antenna shall include a condition that the permittee shall report any changes to equipment or antenna structure from that authorized by the Conditional Use Permit and shall if necessary, obtain a modification to the Conditional Use Permit.
 5. Inspection. Any use permit for a ham radio antenna shall include a condition that it shall be inspected annually to certify its safety and to verify that liability insurance is in effect and also that the ham radio equipment may be inspected without prior notice upon the receipt by the City of a complaint that the radio operation is causing interference with neighbors electronic devices due to the use of higher wattage than allowed by the FCC. The City shall provide this inspection service at applicant's cost. Permittees shall pay an annual inspection fee adopted by Resolution of the City Council in an amount sufficient to reimburse the City for an inspector qualified to inspect amateur radio equipment.
 6. Antennas and supporting structures shall be a neutral, non-glossy, non-reflective color (i.e., earth-tones, black, gray) and be located in the most inconspicuous location possible to receive and transmit signals. An antenna which uses or is composed of perforated metals, radar mesh or wire screen, thereby reducing the antenna's visual mass, is encouraged.
 7. Approval by the City shall not be deemed as approval by a homeowners' association pursuant to any covenants, conditions, and restrictions (CC & R's).
 8. Any equipment on the base of an antenna or antenna support structure shall be screened subject to the approval of the approving authority.
 9. Anti-climb devices shall be installed at the base of the antenna tower if required by the approving authority.
- H. Building Permit. When required by the Palmdale Building Code, a building permit shall be obtained for the installation of any exterior antenna. The Building Official shall determine that the antenna is in compliance with all applicable sections of the Palmdale Building Code and any local regulations prior to issuance of the building permit.
- I. Time Limit. Any antenna permit granted pursuant to the provisions of this Section shall be developed and utilized within a period not to exceed twelve (12) months from and after the date of the granting of such permit, and, if not so developed and utilized, such permit automatically shall become null and void at the expiration of such twelve (12) month period.
- J. Abandonment. The owner of a permitted facility shall submit written verification annually that the facility is operative. Any antenna structure and related equipment

Draft Zoning Ordinance Section 95.03

regulated by this Section that is inoperative or unused for a period of six (6) consecutive months shall be deemed abandoned and declared a public nuisance. Removal of the abandoned structure shall follow the procedures set forth in Chapter 8.10, Public Nuisances and Abatement Procedures, of the Palmdale Municipal Code.

- K. Antennas and antenna support structures legally installed, i.e. with all required approvals and permits, prior to the effective date of this section shall be deemed to be legally nonconforming. All antennas legally installed prior to the effective date of the ordinance codified in this section which do not conform to the foregoing development standards shall be discontinued and removed from their site, or brought into compliance with said development standards within three (3) years from the effective date of the ordinance codified in this section. Those installed without required approvals and permits shall remain illegal and shall be removed immediately.

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