

***SECTION 25 - SIGNAL RECEIVING OR TRANSMITTING ANTENNAS**

25.1 **PURPOSE:** The City Council finds that the erection and maintenance of parabolic (satellite-dish type) signal, ham radio, and other large receiving or transmitting antennas affect the safety and welfare of residents of the City of Belmont by increasing the potential for property damage and personal injury during periods of high velocity wind. The City of Belmont is subject to strong winds due to steep terrain and a peninsular location which constitute an actual danger to property and the public. The erection of dish-type antennas in residential areas increases the chance of property damage and personal injury.

Further, the erection of antennas may affect the aesthetic quality of life by creating unattractive appurtenances to buildings, blocking and degrading views, and creating visual clutter. In order to protect and preserve the health, safety, welfare, and aesthetic quality of life it is necessary to establish standards and procedures for the erection and maintenance of antennas. Due to their size and the associated magnitude of visual and aesthetic impact, It is the purpose of this ordinance to prohibit roof-mounting of satellite-dish type antennas in residential areas, and to limit the size of satellite-dish type antennas in order to further promote safety and protect the public aesthetics. The standards contained in this ordinance are the least necessary to obtain the community objectives of promoting public safety and aesthetic quality while providing for reasonable signal access.

** These standards and criteria are also intended by assist wireless communication service providers and their neighbors in understanding the City's standards and permit process for such facilities. The goal is to balance the needs of wireless communication providers and users, the regulatory functions of the City, the rights guaranteed by the federal government, and the potential impacts upon neighboring property owners in designing appropriate wireless communication facilities.

25.2 **PERMIT REQUIRED:** No antenna shall be constructed or erected without first obtaining the necessary building and conditional use permit required by this chapter, unless determined to be exempt by the Director of Planning.

25.3 **EXEMPTION FROM USE PERMIT REQUIREMENT:** The following antennas are exempt from the conditional use permit requirements:

25.3.1 Standard UHF/VHF television and FM/AM radio antennas designed for receiving signals from ground based broadcast systems and mono-pole and similar type communications antennas, provided all such antennas meet the following criteria:

- (a) Roof- or building-mounted antennas shall not exceed 9 feet in height or 4 feet above the highest roof elevation, whichever is less.
- (b) Roof- or building- mounted antennas shall be placed at the eave edge of the rear roof line, in situations where such a placement will decrease visibility from the public rights-of-way.

* Section 25 was added by Ord. #759, 2/12/87; amended by Ord. #910, 10/24/96

** Added by Ord. #910, 10/24/96

- (c) Ground-mounted antennas shall not exceed 12 feet in height and shall be obscured from view from public rights-of-way by structures or landscaping.
- (d) Motor vehicle mounted antennas intended to provide two-way communication during vehicle operation.

25.3.2 Antennas installed for use by a governmental agency for the purpose of protecting the public health, safety, and welfare.

25.3.3 Dish-type antennas which meet all of the following criteria:

- (a) The antenna is placed on the ground between the rear of the main structure and the rear property line, and is setback at least five (5) feet from all property lines.
- (b) The antenna is no greater than 6 feet in diameter and not greater than seven (7) feet in height.
- (c) The antenna is obscured from view from public rights-of-way by structures or landscaping.

* 25.4 APPLICATION FOR PERMIT: Conditional use permit applications for antennae defined by section 2.9.1 (antennae not part of a wireless communication facility) shall be filed with the Planning Department and accompanied by a processing fee as may be set by Council resolution. In addition to the use permit application requirements of Section 11 the applicant shall provide the following information:

25.4.1 The location of any electrical or signal transmitting wires or cables to be used, and

25.4.2 The specific antenna support devices to be used, and

25.4.3 The proposed method of screening the antenna to make it as inconspicuous as possible and to help it blend into the surrounding area, and

25.4.4 Elevation drawings illustrating the placement, color, and material of the antenna.

25.4.5 An application for a dish-type antenna shall be accompanied by:

- (a) An independent evaluation of signal access for the three most feasible, alternate ground locations. The evaluation shall assess signal access for antennas ranging from 4 ½ feet in diameter and up at each of these locations. The evaluation shall be prepared by a consultant selected by the Planning Department and paid for by the applicant. The evaluation shall indicate the percentage of satellites that can be accessed from the various alternate locations and whether the various signal strengths are adequate for use with television having screens no larger than 25 inches.

* Amended by Ord. #910, 10/24/96

- (b) Wind-load calculations for antennas less than 30% open as specified in the Uniform Building Code.

* 25.5 EMPLACEMENT STANDARDS:

- 25.5.1 No antenna shall be placed within a front yard setback area required for a main structure in the zoning district applicable to the antenna location.
- 25.5.2 No antenna shall be placed closer than five (5) feet to any property line.
- 25.5.3 No dish-type antenna shall be larger than 10 feet in diameter.
- 25.5.4 No ground-mounted dish-type antenna shall exceed 11 feet in height.
- 25.5.5 Dish-type antennas shall not be placed on the roof of a building in an area designated as residential by the General Plan.

* 25.6 PERMIT REVIEW AND FINDINGS:

- 25.6.1 Application processing: All conditional use permits required by this chapter shall be subject to the provisions in Section 11, Conditional Use Permits.
- 25.6.2 Findings: Prior to approval of a conditional use permit required by this chapter the hearing body shall, in addition to the required findings of Section 11.5.1, find as follows:
 - (a) There is no other location on the site for the proposed antenna which would result in a less conspicuous or more aesthetically pleasing installation while still providing reasonable signal access; and,
 - (b) The antenna is the smallest possible while still allowing reasonable signal access; and,
 - (c) The proposed use will not result in an aesthetically offensive installation, open to public view, due to its location, design, height, color, or method of screening; and,
 - (d) Based upon a review of the submitted information by the Building Inspection Department, the proposed use will not create a safety hazard.
 - (e) Emplacement standards of section 25.5 are met or a variance has been approved for any standard not met.

This Ordinance repeals Urgency Ordinance No. 736 and extensions thereof.

* 25.7 WIRELESS COMMUNICATION FACILITIES

* Amended by Ord. #910, 10/24/96

25.7.1 DEFINITIONS

- a. **Wireless Communication Facility.** A facility that transmits and/or receives electromagnetic signals including antennae, monopole antennae, and accessory structures for the purpose of supporting cellular telephone service, personal communication service, page service, data transfer, and similar services.
- b. **Building Mounted Antenna.** A device, mounted to a building or rooftop equipment screen, that transmits or receives electromagnetic signals.
- c. **Monopole Antennae.** A freestanding device that transmits or receives electromagnetic signals.
- d. **Wireless Communication Facility - Co-located.** A wireless communication facility comprised of a single telecommunication tower or building supporting one or more antennae or similar devices owned or used by more than one public or private entity.

25.7.2 STANDARDS

1. **General Standards**
 - A. Building mounted antennae are encouraged.
 - B. Where building mounting is not possible, an attempt should be made to screen new monopoles from public view and to co-locate new antennae on existing monopoles.
 - C. In order to minimize overall visual impact, wireless communication facilities should be designed to promote facility and site sharing.
 - D. Wireless communication facilities should avoid any unreasonable interference with views from neighboring properties.
 - E. No facility should be installed on an exposed ridge line, in or at a location readily visible from a public trail or other recreation area or scenic area unless it is screened to appear as a natural environmental feature.
2. **Site Location Standards**
 - A. Wireless communication facilities may be considered at the following locations, provided that other City requirements are satisfied:

1. Existing Utility Substations and Corridors - Wireless communication facilities may be installed in existing public easements, right-of-ways, and on facilities of public and private utilities, such as PG&E right-of-ways.
 2. Public Land – Wireless communication facilities may be installed on sites with a Public General Plan land use designation and on land owned by a political subdivision of the State of California, such as the City of Belmont and Belmont County Water District.
 3. Commercial and Industrial Land – Wireless communication facilities may be installed on sites with Commercial, Industrial, and Mixed Use General Plan designations
- B. Wireless communication facilities are not permitted on any property with a residential General Plan land use designation unless a variance pursuant to Section 14 to this standard is granted.
3. Standards for Building Mounted Antennae
- A. Building mounted antennae and any ancillary equipment shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive.
 - B. When feasible, colors and materials shall match the existing building.
 - C. Any ancillary equipment shall be adequately screened from public view.
 - D. Building mounted antennae and any ancillary equipment shall not extend more than 15 feet above the main structure’s height limit of the zoning district within which the facility is located.
 - E. Building mounted antennae and any ancillary equipment shall avoid any interference with public views, unless the applicant demonstrates that no other feasible location within the City is available.
4. Standards for Monopoles
- A. Monopoles may be considered only when the applicant reasonably demonstrates that the proposed facility cannot be placed on an existing building or monopole.

- B. New monopoles shall be located no closer to a residentially designated parcel than one (1) foot for each foot in antenna height.
- C. Substantial landscaping or other screening shall be provided to buffer any adjoining residential uses.
- D. No portion of a monopole shall be located in the required front yard setback and/or in front of the main structure; or in the required setback along a secondary street frontage of a corner lot.
- E. Monopoles located within the required rear yard setback shall not exceed a height of 15 feet above the main structure's height limit of the zoning district within which the facility is located.
- F. Monopoles located within the buildable area of the main structure shall not exceed a height of 50 feet.
- G. No portion of guy wires or support structures shall extend over any property line.
- H. Not more than one monopole in excess of 15 feet above the main structure's height limit of the zoning district within which the facility is located shall be installed on any given lot.
- I. Not more than three monopole support structures up to 15 feet above the main structure's height limit set forth in the zoning district shall be permitted per lot.
- J. On a developed site, monopoles may be permitted only where the applicant has shown a good faith effort to secure an alternate site at an existing utility substation or corridor. Development of wireless communication facilities on vacant sites shall be temporary. When the site is developed, these facilities shall be removed and replaced with building mounted antennas.

25.7.3 CITY REVIEW PROCESS

Proposed wireless communication facilities will require conditional use permit approval, and shall be subject to the finds set forth in Section 11 for such applications. Proposed facilities, which do not meet the applicable standards of Section 27.3 require a variance, which shall be applied for separately and considered simultaneously. Decisions of the Planning Commission may be appealed to the City Council. Upon approval by the appropriate City decision-making body, a building or site permit shall be obtained from the Building Division.

25.7.4 SUBMITTAL REQUIREMENTS

Application information is available at the Planning Division of the Community Development Department. In addition to the typical submittal requirements for a use permit, applications for wireless communication facilities shall include the following:

- A. A master plan for all of the service provider's existing and planned sites in the City. The master plan shall indicate the location of each existing and proposed facility and the service area covered by each site.
- B. A professional evaluation of the radio frequency electromagnetic field (EMF) exposure conditions of the facility demonstrating that 1) the EMP levels generated by the facility meet American National Standards Institute (ANSI) requirements and pose no health risks to the public; and 2) interference to consumer electronic products (televisions, stereos, cordless telephones, etc.) is unlikely to occur.
- C. Visual representations sufficient to accurately show the appearance of the proposed facility (e.g., photo-montages, renderings, story poles, etc.).
- D. When an existing monopole exists on the same site, or in the immediate vicinity, alternative site/facility designs may be required to show the relative differences between independent and co-located facilities.

25.7.5 ADDITIONAL REQUIREMENTS

The criteria contained in these guidelines represent minimum standards. The City may impose appropriate conditions on a project-by-project basis as required to ensure land use compatibility. Such conditions may include the following requirements:

- A. The applicant may be required to correct any and all future interference problems experienced by neighbors with respect to reception problems caused by the facility.
- B. Permits for new monopoles may be conditioned to establish a periodic review by the City to determine whether new technology would allow the facility to be modified to reduce the visual impacts. The facility operator shall be responsible for providing the information necessary to allow for such periodic review.
- C. The City may require a co-location agreement binding the applicant and/or property owner and their successors-in-interest, to make, where technically feasible, the facility available in the future for the installation of additional communication equipment by other private and/or public entities.
- D. If the facility is abandoned in the future, the applicant will be required to remove the wireless communication antennae and equipment from the site.