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ORDINANCE NO. 1741

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH,
CALIFORNIA, ADDING SECTIONS 10-3.204(a),
AND 10-3.235(a); AMENDING SECTIONS 10-3.401,
10-3.402-A, AND 10-3.1001; REPEALING
SECTION 10-3.1403; ALL OF CHAPTER 3, TITLE 10,
OF THE MANHATTAN BEACH MUNICIPAL CODE
RELATING TO REGULATIONS FOR THE INSTALLATION
OF FLAGPOLES, AERIALS, WIRELESS MASTS
AND SIMILAR EQUIPMENT

THE COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA,
DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 10-3.204(a) and 10-3.235(a)
are hereby added to Article 2. Definitions, of Chapter 3,
Title 10 of the Manhattan Beach Municipal Code to read as
follows:

SEC. 10-3.204(a). Antenna

"Antenna" means a structure erected for the
purpose of transmitting and receiving radio waves. For the
purposes of this section the terms wireless mast, aerial and
other similar structures shall be deemed an antenna.

SEC. 10-3.235(a). Flagpole.

"Flagpole" means a pole, mast or any other
similar structure used for the purpose of flying or displaying
a flag, banner, pennant or other similar item.

SECTION 2. Subparagraph (n) of Section 10-3.401 of
Chapter 3, Title 10 of the Manhattan Beach Municipal Code is
hereby amended to read as follows:

SEC. 10-3.401. Permitted uses.

(n) Amateur radio transmitting and receiving
antennas, provided such antennas comply with the following
requirements:

(1) No such antenna shall be constructed so as to
exceed a height of sixty (60') feet above the adjacent grade.

(2) No part of such antenna shall be constructed
within the required yards of the property as defined by

1 this chapter.

2 (3) Construction of such antenna shall be subject
3 to the provisions of Chapter 1 of Title 9 of this Code.

4 (4) All such applications for such permits shall be
5 in writing and shall be accompanied by a diagram showing the
6 proposed method of installation and a map or plot plan showing
7 the proposed location of such wire, pole, other structure or
8 device. No application shall be considered by the Director
9 of Community Development unless the same is accompanied by an
10 appropriate fee as determined in the Fee Resolution.

11 After considering the application and the
12 proposed method of installation and the proposed location of such
13 wires, poles, other structures or devices, the Director of Com-
14 munity Development may issue, or cause to be issued, a permit
15 authorizing the installation of wires, poles, other structures or
16 devices for the purpose of radio reception or transmission,
17 or to aid or assist in such reception or transmission, provided
18 such proposed use will not, in the opinion of the Director of
19 Community Development, cause any substantial interference with,
20 nor constitute a menace or hazard to, the public health, safety
21 or welfare. In order that the public interests may be pro-
22 tected, any permit issued in accordance with the provisions of
23 this subsection shall be upon such terms and conditions as the
24 Director of Community Development may from time to time require.

25 (5) Any permit granted hereunder may be terminated
26 by the Council at any time and without notice if, in the opinion
27 of the Council, any equipment erected or installed in the City
28 by any permittee hereunder constitutes an immediate menace,
29 danger or hazard to the public health, safety or welfare. In
30 all other respects no permit shall be terminated unless and
31 until the Council serves, or causes to be served, by mail or
32 personal service upon the permittee a written notice of its

1 intention so to do. Such notice shall be served upon the
2 permittee not less than sixty (60) days prior to the date of
3 termination. When any permit is terminated in accordance with
4 the provisions hereof, all equipment owned by, or under the
5 control of, the permittee, located in, on, over or under any
6 property in the City, shall be removed therefrom within thirty
7 (30) days from the date of termination. If the permittee fails
8 to remove such equipment within such period of time, the same
9 may be removed by the City at the cost and expense of the
10 permittee.

11 (6) The term of any permit granted hereunder shall
12 be indeterminate from and after the date of granting. No
13 exclusive permit shall be granted hereunder.

14 SECTION 3. Subparagraph (s) is hereby added to
15 Section 10-3.401 of Chapter 3, Title 10 to read as follows:

16 (s) Flagpole, provided such structure complies with
17 the following criteria:

18 (1) No flagpole either ground mounted or con-
19 structed on an intervening structure shall exceed the height
20 limit as established for a building within the appropriate Area
21 District and zone classification.

22 (2) Construction of a flagpole shall be subject
23 to the provisions of latest adopted edition of the Uniform
24 Building Code.

25 (3) All flagpoles legally established at the
26 time of adoption of this amendment shall be made to comply with
27 the requirements of this subsection upon issuance of a building
28 permit for any structural alteration to the property or on or
29 before January 2, 1992, whichever comes first.

30 (4) Flagpoles shall not be located within the
31 required front and side yard setbacks established for a building
32 or structure within each Area District and zoning classification.

1 SECTION 4. Section 10-3.402-A of Chapter 3, Title 10
2 of the Manhattan Beach Municipal Code is hereby amended by
3 adding Items (10) and (11) to read as follows:

4 SEC. 10-3.402-A. Permitted uses.

5 (10) Antenna, provided the structure is approved by
6 the homeowner association and conforms with the standards as
7 specified in Section 10-3.401(n) of the Code.

8 (11) Flagpole, provided the structure is approved
9 by the homeowners association and conforms with the standards
10 as specified in Section 10-3.401(s) of the Code.

11 SECTION 5. Section 10-3.1001 of Chapter 3, Title 10
12 of the Manhattan Beach Municipal Code is hereby amended by adding
13 subparagraphs (f) and (g) to paragraph 1., to read as follows:

14 SEC. 10-3.1001. Permitted uses.

15 1. In the M-1 zone the following uses only are
16 permitted and as hereinafter provided and allowed by this
17 article, subject to the general provisions and exceptions set
18 forth in the chapter beginning with Article 13:

19 (f) Antenna, provided that it does not exceed
20 60 feet in height and shall be erected subject to the provisions
21 of the latest adopted edition of the Uniform Building Code. Any
22 antenna proposed to exceed the 60 foot height limit shall be
23 subject to the approval of a Conditional Use Permit.

24 (g) Flagpoles, provided the structure not
25 exceed a height of the adjacent building and shall be erected
26 subject to the provisions of the latest adopted edition of the
27 Uniform Building Code. Any flagpole proposed to exceed the
28 height limit shall be subject to the approval of a Conditional
29 Use Permit.

30 SECTION 6. Section 10-3.1001 of Chapter 3, Title 10
31 of the Manhattan Beach Municipal Code is hereby amended by
32 adding subparagraph (o) to paragraph 2., to read as follows:

1 SEC. 10-3.1001. Permitted uses.

2 2. The following uses only are permitted subject
3 to issuance of a Conditional Use Permit in accordance with
4 Article 16, Section 10-3.1609:

5 (o) All antennas, repeater stations, television,
6 microwave or other similar tower structures which exceed the
7 60 foot height limit.

8 SECTION 7. Section 10-3.1403 of Chapter 3, Title 10
9 of the Manhattan Beach Municipal Code is hereby repealed.

10 SECTION 8. Ordinance No. 1735 imposing a moratorium
11 on building permits or other approvals as specified in Section
12 10-3.1403 and Ordinance No. 1737 extending said moratorium
13 are hereby repealed.

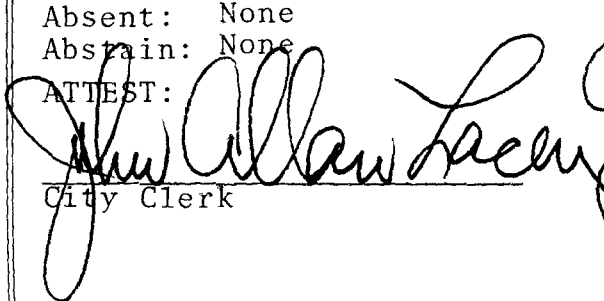
14 SECTION 9. This ordinance shall go into effect
15 and be in full force and operation from and after thirty days
16 after its final passage and adoption.


17 SECTION 10. The City Clerk shall certify to the
18 passage and adoption of this ordinance; shall enter the same
19 in the book of original ordinances of said City; shall make a
20 minute of the passage and adoption thereof in the records of
21 the meeting at which the same is passed and adopted; and shall
22 within fifteen daus after the passage and adoption thereof
23 cause the same to be published once in the Beach Reporter, a
24 weekly newspaper of gneral circulation, pulished and
25 circulated within said City of Manhattan Beach and which is
26 hereby designated for that purpose.

27 PASSED, APPROVED and ADOPTED this 21st day of
28 October, 1986.

29 Ayes: Archuletta, Dougharty, Holmes, Sieber and Mayor Dennis
30 Noes: None
31 Absent: None
32 Abstain: None

ATTEST:


City Clerk


Mayor, City of Manhattan Beach,
California