

## § 155.101 WIRELESS TELECOMMUNICATION FACILITY REGULATIONS.

(A) *Purpose.* Wireless telecommunications facilities used in transmitting and receiving signal energy are essential and promote the health, safety, and general welfare of the citizens of the city. The purpose of this section is to govern the placement of these facilities to:

- (1) Assure that their location and use do not compromise the aesthetic quality of the community;
- (2) Encourage operators of antenna facilities and antennas to locate them in areas where the adverse impact on the community is minimal;
- (3) Encourage co-location on both new and existing antenna facilities;
- (4) Encourage operators of antenna facilities and antennas to configure them in a way that minimizes the adverse visual impact through careful design, landscape screening, and innovative stealth techniques;
- (5) Enhance the ability of antenna facilities and antennas to provide services to the community effectively and efficiently; and
- (6) Promote the aesthetic quality of the city as a significant aspect of the health, safety, and general welfare of the community.

(B) *Definitions.* In this section the following definitions apply:

- (1) *Amateur radio antenna.* A radio communication antenna used by a person holding an amateur station license from the Federal Communications Commission.
- (2) *Antenna.* A device used in communications, which transmits or receives radio signals.
- (3) *Antenna, building attached.* Antenna attached to an existing structure in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings; or (2) building-mounted, in which antennas are placed on the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.
- (4) *Antenna facility.* Any structure, monopole, tower, or lattice tower used to support antennas.
- (5) *Co-location.* The act of locating wireless communications equipment for more than one use on a single antenna facility.
- (6) *Equipment storage building.* An unmanned, single story equipment building used to house radio transmitters and related equipment.
- (7) *Monopole.* A self-supporting antenna facility composed of a single spire used to support communications equipment or other visible items.
- (8) *Satellite receive-only antenna.* An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.
- (9) *Stealth facility.* An antenna facility that is virtually transparent or invisible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, and camouflaged wireless facilities that are constructed to blend into the surrounding environment.
- (10) *Tower, lattice.* A self-supporting tower having three or four support legs with cross-bracing and the capacity to hold a number and a variety of antennas.
- (11) *TV antenna.* An antenna that enables the receipt of television signals transmitted from broadcast stations.

(C) *General regulations.* The following regulations apply to all antenna facilities and antennas located within any district:

- (1) *Equipment and storage building.* An equipment storage building associated with an antenna facility or an antenna shall be screened and landscaped as described in other sections of this chapter, or be incorporated into the stealth treatment so that it is consistent and complementary with the existing structures and uses on the premises.
- (2) *Driveway surfaces.* All driveways accessing any antenna facility site or equipment storage site shall be constructed of concrete.
- (3) *Lights.* No outdoor lighting shall be allowed on antennas located on residentially zoned property except lights or lighting that is by required by the Federal Aviation Administration or the Federal Communications Commission.
- (4) *Limitations.* Antenna facilities are limited to stealth facilities and monopoles except where other facilities are allowed by this section.
- (5) *Antenna facility capacity.* An antenna facility shall not have more than the number and size of antennas attached to it than are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements.
- (6) *Monopoles.* No guy wires are permitted with the use of monopoles.
- (7) *Prohibited in easements.* Antenna facilities constructed solely for the purpose of supporting antennas shall not be placed in an easement.
- (8) *Construction standards.* A building permit must be obtained prior to the construction or installation of a tower, antenna, or mast. An antenna facility must be installed according to the manufacturer's recommendations or under the seal of a registered professional engineer of the State of Texas.

(9) *Use and repair.* Antenna facilities and antennas not in use shall be removed within 30 days following notice given by the Building Official. Antenna facilities or antennas in need of repair as determined by the Building Official, shall be removed or brought into compliance within 30 days following notice given by the Building Official. This notice requirement shall not preclude immediate action by the Building Official if public safety requires it.

(10) *Contained on property.* No part of an antenna facility, antennas, or other attachment may extend beyond the property lines of the lot on which the antenna or antenna facility is located.

(11) *Special exception requirement.* A special exception is required from the Zoning Board of Adjustment for an antenna or antenna facility which will not comply with any requirement of this section. See division (J).

(D) *Amateur radio and TV antennas.* Amateur radio and TV antennas are permitted as accessory uses in the A, SF-5AC/24, SF-12/22, SF-9.6/20, SF-8.4/18, SF-8.4/16, SF-7.5/18, SF-7.5/16, SF-7.5/12, SF-6/12, 2F, MF-1, MF-2 or MH or PR zoning districts. Amateur radio and TV antennas must comply with the following regulations:

(1) *Antenna facility type.* The antenna facility may be either building attached, a monopole, tower, or a lattice tower.

(2) *Number of facilities per lot.* Only one antenna facility exceeding 35 feet in height is permitted on each lot.

(3) *Height limitations.* An antenna facility, exclusive of the height of any antenna or mast, shall not exceed 35 feet in height; except, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the zoning district regulations to a maximum height of 65 feet in a residential district. A special exception is required for additional height.

(4) *Height limit for building mounted antenna.* An antenna shall not extend more than eight-feet above a building on which it is mounted.

(5) *Setbacks.* The following minimum setbacks apply:

(a) Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards;

(b) Guy wires are permitted in required side and rear yards; and

(c) Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts.

(6) *Separation.* There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record.

(7) *Lights.* No outdoor lighting above 20 feet shall be allowed on antenna facilities located on residentially zoned property, and no lights so located shall be directed off one's property, except lights or lighting that is required by the Federal Aviation Administration or the Federal Communications Commission.

(E) *Satellite receive-only antennas generally.* A satellite receive only antenna is permitted as an accessory use under the following conditions:

(1) The satellite receive-only antenna is not greater than one meter in diameter: all zoning districts.

(2) The satellite receive-only antenna is one meter or greater in diameter, but not greater than two meters in diameter: all nonresidential zoning districts.

(F) Satellite receive-only antennas greater than one meter in diameter in residential districts and greater than two meters in diameter in non-residential districts are permitted as accessory uses if they comply with the following regulations:

(1) *Number of antennas per lot.* Only one satellite receive-only antenna per lot of record.

(2) Height: not exceeding ten feet in height.

(3) Setbacks:

(a) *Front and side yards.* Not permitted.

(b) *Rear yard.* Minimum setback as required for accessory buildings in residential districts and as for all buildings in nonresidential districts.

(4) *Separation.* No minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record.

(5) *Screening.* Satellite receive-only antennas that are mounted on the ground shall be screened from view from adjoining properties by solid fencing or evergreen plants to a height of at least six feet. A satellite receive-only antenna located within a fence surrounding the yard in which the satellite receive-only antenna is located shall be considered to be screened.

(G) *Placement of antenna facilities (other than amateur radio, TV, and satellite receive-only antennas) within land use thresholds.* For the purpose of determining the appropriate locations for the placement of antenna facilities other than amateur radio, TV, and satellite receive-only antennas, the city is divided into land use threshold areas that require different regulations pertaining to height, location, and type of antenna facility. These land use thresholds are defined as follows:

(1) *Interior Industrial "II".* Property within the I-1 and I-2 zoning districts that is located more than 1,000 feet away from any other zoning district.

(2) *Exterior Industrial "EI".* Property within the I-1 and I-2 zoning districts, that is located within 1,000 feet of any other zoning district.

(3) *Full Commercial "FC".* Property within the OP, C-1, C-2, C-3, or C-4 zoning districts, which is located more than 600 feet from an A, SF-5AC/24, SF-12/22, SF-9.6/20, SF-8.4/18, SF-8.4/16, SF-7.5/18, SF-7.5/16, SF-7.5/12, SF-6/12, 2F, MF-1, MF-2, MH or PR zoning district.

(4) *Undeveloped Residential "UR"*. Property within the A, SF-5AC/24, SF-12/22, SF-9.6/20, SF-8.4/18, SF-8.4/16, SF-7.5/18, SF-7.5/16, SF-7.5/12, SF-6/12, 2F, MF-1, MF-2, MH or PR zoning districts, that:

- (a) Is not a part of a recorded subdivision; or
- (b) Is a part of a recorded subdivision but has not had a building permit issued for a residential structure; and
- (c) Is not located within the calculated limits of the "DR" threshold.

(5) *Edge Commercial "EC"*. Property within the OP, C-1, C-2, C-3, or C-4 zoning districts, which is located within 600 feet of an A, SF-5AC/24, SF-12/22, SF-9.6/20, SF-8.4/18, SF-8.4/16, SF-7.5/18, SF-7.5/16, SF-7.5/12, SF-6/12, 2F, MF-1, MF-2, MH or PR zoning district.

(6) *Wireless corridors "WC"*. Property within, and 75 feet either side of, the right-of-way of a freeway or a major or minor arterial roadway, as indicated on the city's thoroughfare plan.

(7) *Developed residential "DR"*. Property within the A, SF-5AC/24, SF-12/22, SF-9.6/20, SF-8.4/18, SF-8.4/16, SF-7.5/18, SF-7.5/16, SF-7.5/12, SF-6/12, 2F, MF-1, MF-2, MH or PR zoning districts, which:

- (a) Is a recorded subdivision that has had at least one building permit for a residential structure; or
- (b) Is within the exterior surfaces of an existing primary residential structure; or
- (c) Is within 600 feet of areas described by divisions (7)(a) and (b) above.

(8) *Scenic /Limited "SL"*. Property that has been defined as a scenic/limited area, the boundary of which has been delineated on the zoning map.

(H) *Antenna facility impact levels*. For the purpose of determining appropriate locations for antenna facilities, the city recognizes differing levels of impact for antenna facilities depending upon physical location, aesthetics, and land uses compatibility. These antenna facility impact levels are defined as follows:

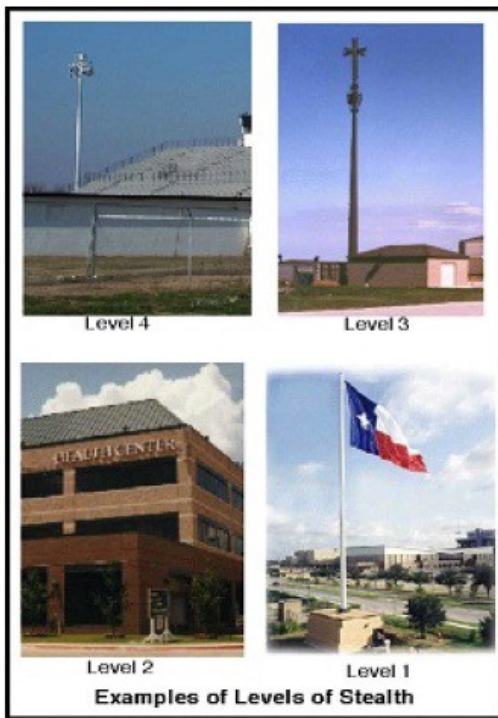


(1) *90 foot monopole*. A monopole no greater than 90 feet in height. The antenna equipment may not extend more than five feet above the highest point on the monopole.

(2) *60 foot monopole*. A monopole no greater than 60 feet in height. The antenna equipment may not extend more than five feet above the highest point on the monopole.

(3) *35 foot monopole*. A monopole no greater than 35 feet in height. The antenna equipment may not extend more than five feet above the highest point on the monopole.

(4) *Level 4 stealth facility*. The antenna on a Level 4 stealth facility is located on an existing structure (other than an antenna facility) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna is not screened nor hidden. For the purpose of this level, a pole or tower may be reconstructed to structurally hold the antenna but shall not be any higher than the original structure that it is replacing.



(5) *Level 3 stealth facility.* The antenna on a Level 3 stealth facility is located on an existing structure (other than an antenna facility) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna may be aesthetically painted, constructed, or applied with material so that it is incorporated into the pattern, style, and material of the structure to effectively render the antenna unnoticeable. A new structure may be constructed to hold or house the antenna or equipment; however, the structure must be consistent with the overall architectural features of the primary buildings.




(6) *Level 2 stealth facility.* The antenna on a Level 2 stealth facility is attached to the structure in such a manner that if it is seen it appears unrecognizable as an antenna, and the structure in which or on which the antenna is attached is an integral part of an overall development.

(7) *Level 1 stealth facility.* The antenna on a Level 1 stealth facility is attached to the structure in such a manner that the antenna is completely unseen and the structure in which or on which the antenna is attached is an integral part of an overall development.

(I) *Antenna facility siting matrix.* Antenna facilities shall be located in accordance with the following siting matrix. This matrix provides for areas where antenna facilities may be located as permitted uses, areas where they may be located with a special exception, and areas where they are prohibited.

(1) *Additional height.* Permitted monopoles shown as 90 ft., 60 ft., and 35 ft. in the Antenna Facility Siting Matrix may be increased in height up to 20 feet, if the antenna facility is constructed to accommodate co-location. Co-location must include area requirements for ground storage buildings, driveways, screening, and any other accommodation that is required for the successful operation of a multiple-user antenna facility site. The extension of height may only occur twice to a maximum 40 additional feet.

**Antenna Facility Siting Matrix**

	Permitted Use		Requires a Special Exception		Prohibited			
Special Exception								
90 - 130 ft. Monopole								
60 - 100 ft. Monopole								
35 - 75 ft. Monopole								
Level 4 Stealth Facility								
Level 3 Stealth Facility								
Level 2 Stealth Facility								
Level 1 Stealth Facility								
	II	EI	FC	UR	EC	WC	DR	SL

(J) *Special exception.* When a special exception is required by this section for the location of an antenna facility or an antenna, the property owner must submit an application to the Zoning Board of Adjustment.

(1) *Application.* To properly evaluate an application to locate an antenna facility or an antenna that requires a special exception, the following information must be provided by the applicant:

- (a) Describe the nature of the antenna site. Indicate whether the proposed structure is a monopole or mounted to a self-supporting structure. Indicate the proposed height.
- (b) Provide photos or drawings of all equipment, structures, and antennas.
- (c) Describe why the antenna or tower is necessary at the particular location.
- (d) State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user.
- (e) Indicate if this antenna or tower site is to be connected to other sites; and if so, describe how it will be connected and who will be the back haul provider.
- (f) The applicant must address whether it has made an effort to co-locate the facilities proposed for this antenna facility on existing antenna facilities in the same general area. Identify the location of these existing sites, and describe in detail these efforts and explain in detail why these existing sites were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written documentation from existing sites' owners and/or operators which confirm the statements provided. Indicated whether the existing sites allow/ promote co-location and, if not, describe why not.
- (g) Indicate whether co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis of each reason.
- (h) If the requested location is in a residential district the applicant must address whether it has made an effort to locate the facility in a nonresidential district. Identify the location of these nonresidential district sites, describe in detail these efforts, and explain in detail why these nonresidential sites were not feasible. Attach all studies or tests performed which demonstrate why the nonresidential sites will not provide sufficient signal coverage. Provide written documentation from nonresidential district sites' owners or operators which confirm the statements provided.
- (i) Indicate the proposed provider's current coverage area for the city. Attach maps showing the areas the proposed provider's existing antenna currently covers, the areas the applicant's existing sites and the requested site would cover.
- (j) Describe the applicant's master antenna facilities plan for the city. Attach maps and other related documentation. Provide information indicating each phase of the plan.
- (k) Describe the applicant's plan to minimize the number of antenna facilities needed to cover the city.

(2) *Consideration of application.* In considering whether to grant a special exception, the Zoning Board of Adjustment shall consider the following:

- (a) The effect on the value of the surrounding property;
- (b) The potential for interference with the enjoyment or the use of surrounding properties;
- (c) Aesthetics;
- (d) The proposed height of the antenna facility;

(e) The zoning district and the adjoining zoning districts of the property for which the special exception is sought; and

(f) The unique conditions that govern reasonable reception on any given lot.

(3) The Zoning Board of Adjustment will approve a requested application subject to the finding that co-location of this facility with a nearby existing antenna facility is technically not feasible and subject to the following conditions:

(a) Applicant will permit co-location of others at the site;

(b) Applicant will construct and configure its antenna facility and other equipment to accommodate other providers;

(c) Applicant will identify its backhaul provider connecting antenna sites; and

(d) Applicant will give notice to the city identifying any provider who co-locates to the site and identify its backhaul provider.

(K) *Written report upon denial of request.* The Board of Adjustment shall document in writing any denial of a request to place, construct, or modify an antenna facility. This documentation shall be supported by substantial evidence within the written record.

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