

PC C+O 3/15/11

**ORDINANCE AMENDMENT REVIEW SHEET**

**ITEM D3**

**Amendment:** C2O-2010-016 – Telecommunication Towers and Accessory Equipment

**Description:**

Amend 25-2-6 (44) TELECOMMUNICATION TOWER use is the site for provision of a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communication.

**Proposed Language:**

25-2-6 (44) TELECOMMUNICATION TOWER use is the site for provision of a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communication, and includes any accessory structures and equipment.

**Alternative Language (Not Recommended):**

25-2-6 (44) TELECOMMUNICATION TOWER use is the site for provision of a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communication, and includes

a) any accessory structures and equipment serving a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communication, or

b) any accessory structures and equipment serving one or more antennae for receiving or transmitting electronic data or telephone communication.

**Staff Recommendation:**

Staff recommends the first version of the language. This language would make clear that equipment associated with dedicated telecommunication towers would be considered part of that tower, but would not impede the co-location of telecom arrays on other poles or structures.

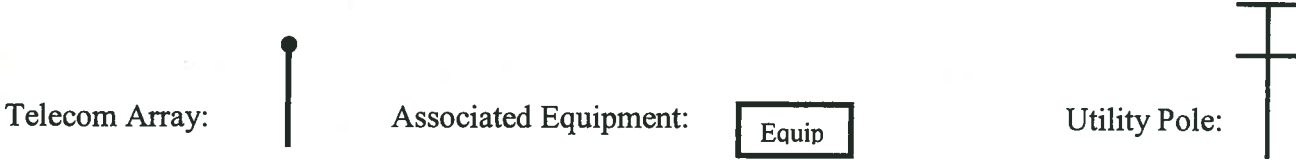
Designating co-located arrays, or their associated equipment as telecommunication towers would require them to be subject to the strict site requirements demanded of free standing towers, and would overly restrict their placement.

**City Staff:** Robert Heil

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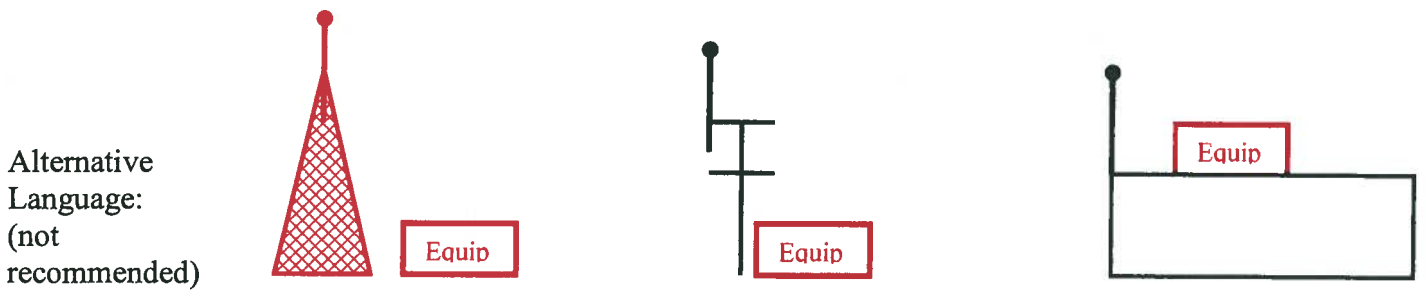
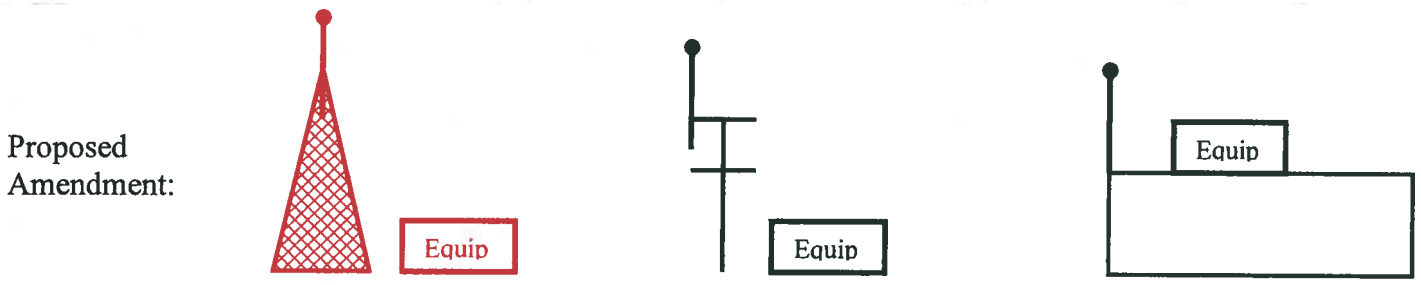
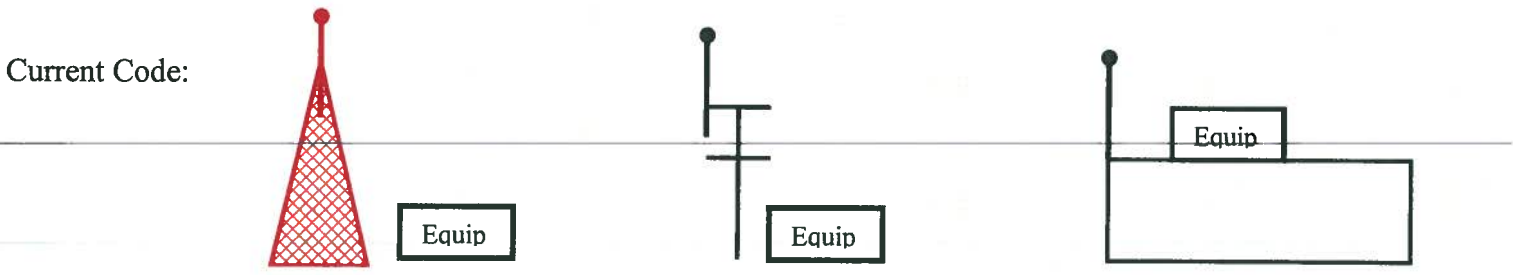
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**Telecom Towers, co-location telecom arrays and associated equipment.**



**RED** indicates what is considered a telecommunication tower.

**Version:**                      **Free Standing Tower**                      **Co-located Array on Utility Pole**                      **Co-located Array on Building**



## DEFIINTION AND REQUIRMENTS FOR TELEMCOMMUNICATION TOWERS

§25-2-6 (44) TELECOMMUNICATION TOWER use is the site for provision of a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communication.

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### § 25-2-839 TELECOMMUNICATION TOWERS.

(A) A tower used by a public agency exclusively for police, fire, emergency medical services, 911 or other public emergency communications is exempt from the requirements of this section and Section 25-2-840 (*Special Requirements For Telecommunication Towers*).

(B) A telecommunication tower may exceed the height restrictions of the base zoning district and the compatibility standards in Article 10 (*Compatibility Standards*).

(C) A telecommunication tower must be constructed in accordance with the most recent American National Standard Institute structural standards for steel antenna towers.

(D) Notwithstanding the requirements of Subsections (E), (F), and (G), a telecommunication tower that complies with the requirements of this subsection is permitted in any zoning district.

- (1) The tower must be a replacement for a functioning:
  - (a) utility pole or light standard within a utility easement or public right of way;
  - (b) recreation facility light pole; or
  - (c) telecommunication tower.
- (2) The tower, including antenna array, may not exceed the height of:
  - (a) the original utility pole, light standard, or recreation facility pole by more than 10 feet; or
  - (b) the original telecommunication tower and antenna array.
- (3) The tower may not obstruct a public sidewalk, public alley, or other public right of way.
- (4) The tower must be similar in appearance and function to the pole, standard, or tower that it replaces, except for the antennae.
- (E) A telecommunication tower described in Subsection (F) or (G) must comply with the requirements of this subsection.

- (1) The tower may not be located:
    - (a) on or within 300 feet of property that is zoned as a historic landmark (H) or historic area (HD) combining district or included in a National Register District;
    - (b) within 50 feet of a day care services (commercial) use; or
    - (c) within 50 feet of a dwelling unit.
  - (2) The tower must be of monopole construction and designed to accommodate at least two antenna array.
  - (3) The antenna array may not exceed tower height by more than 10 feet.
  - (4) Guys and guy anchors must be at least 20 feet from adjoining property.
  - (5) The tower must be:
    - (a) enclosed by security fencing; and
    - (b) screened from street view by landscaping at least six feet high.
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(6) The tower must be identified by a sign visible from outside the screening. The sign must state in letters at least two inches high the name and telephone number of the tower manager and the Federal Communications Commission license number.

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(F) A telecommunication tower that complies with the requirements of this subsection is a permitted use in an SF-6 or less restrictive district, except for an MH district.

- (1) The tower must be at least 200 feet from an MH district or use or an SF-5 or more restrictive district or use.
- (2) The tower, excluding antenna array, may not exceed the following height:
  - (a) 75 feet, for a tower less than 250 feet from an MH district or use or SF-5 or more restrictive district or use;
  - (b) 100 feet, for a tower at least 250, but less than 540, feet from an MH district or use or an SF-5 or more restrictive district or use; or
  - (c) 120 feet, for a tower 540 feet or more from an MH district or use or an SF-5 or more restrictive district or use.
- (3) The director may waive a requirement of this subsection for a minimum separation distance between a tower and an MH use or an SF-5 or more restrictive use if the director determines that:
  - (a) the tower will be located in a GO or less restrictive district;
  - (b) not more than two uses that are MH uses or SF-5 or more restrictive uses are less than the prescribed separation distance from the tower base;

(c) the MH uses or SF-5 or more restrictive uses that are less than the prescribed separation distance from the tower base, if any, are located in SF-6 or less restrictive zoning districts; and

(d) the proposed tower location will not negatively affect a residential neighborhood.

(G) A telecommunications tower that is not a permitted use under Subsection (F) is a conditional use in an SF-6 or less restrictive district, except for an MH district, if the tower complies with the requirements of this subsection.

(1) The tower must be at least 75 feet from an MH district or use or an SF-5 or more restrictive district or use.

(2) The tower, excluding antenna array, may not exceed the following height:

(a) 75 feet for a tower less than 100 feet from an MH district or use or an SF-5 or more restrictive district or use;

(b) 100 feet, for a tower at least 100, but less than 200, feet from an MH district or use or an SF-5 or more restrictive district or use;

(c) 120 feet, for a tower at least 200, but less than 300, feet from an MH district or use or an SF-5 or more restrictive district or use; or

(d) a height set by the Land Use Commission, for a tower 300 feet or more from an MH district or use or SF-5 or more restrictive district or use.

(3) The Land Use Commission may waive a requirement of this subsection for a minimum separation distance between a tower and an MH use or an SF-5 or more restrictive use if the Land Use Commission determines that:

(a) the tower will be located in a GO or less restrictive district;

(b) not more than two uses that are MH uses or SF-5 or more restrictive uses are less than the prescribed separation distance from the tower base;

(c) the MH uses or SF-5 or more restrictive uses that are less than the prescribed separation distance from the tower base, if any, are located in SF-6 or less restrictive zoning districts; and

(d) the proposed tower location will not negatively affect a residential neighborhood.

(H) The distance from a tower to a zoning district or use is measured:

(1) along a straight line from the center of the tower base to the nearest property line of the zoning district or use; or

(2) for a distance prescribed by Paragraph (E)(1)(c), along a straight line from the center of the tower base to the nearest exterior wall of the dwelling unit.

(I) In this section, a reference to an MH district or use or SF-5 or more restrictive zoning district or use does not include property that is:

- (1) vacant and unplatted;
- (2) used for a public or private primary or secondary educational facility;
- (3) used for a college or university educational facility;
- (4) owned by the United States, the State of Texas, a county, or the City, and not used for an MH or SF-5 or more restrictive residential use;
- (5) used primarily for religious assembly;
- (6) used for a cemetery;
- (7) used for a non-residential, nonconforming use; or
- (8) determined by the director to be used in a manner similar to the uses described in this subsection.

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*Source: Sections 13-2-235 and 13-2-273; Ord. 990225-70; Ord. 000302-36; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16.*

#### **25-2-840 SPECIAL REQUIREMENTS FOR TELECOMMUNICATION TOWERS.**

(A) An application to construct a telecommunication tower described in Section 25-2-839(F) or (G) (*Telecommunication Towers*) must be accompanied by an affidavit that includes:

- (1) a description of the search area for the tower location;
- (2) the elevation required for the antenna array; and
- (3) the reasons that the antenna array cannot be located on an existing tower or other structure.

(B) An applicant who prepares an affidavit required by Subsection (A) shall record the name and address of each person the applicant contacts in attempting to locate the antenna array on an existing tower or other structure. If requested by the city manager, the applicant shall disclose to the city manager the recorded information.

(C) This subsection applies if a telecommunication tower described in Section 25-2-839(F) or (G) (*Telecommunication Towers*) ceases to be used for wireless communications.

(1) The tower owner and the property owner shall notify the director that the tower is not being used for wireless communications within 30 days of the cessation of use.

(2) If the tower is not used for wireless communications for a continuous one year period, the tower owner and the property owner shall remove the tower. The tower owner and the property owner shall finish the tower removal within 18 months of the date that wireless communications cease.

(D) The director shall maintain a map of all telecommunication towers located within the planning jurisdiction.