



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0054
Address: 4701 1/2 E STASSNEY LN #C



This product is for informational purposes and may not have been prepared for or be suitable for legal engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 250'

CASE# 45-2015-0054
ROW# 11327316
TAX# 0320020707
TEAD✓

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED

STREET ADDRESS: 4701 1/2 E Stassery Lane #C, Austin Tx 78744

LEGAL DESCRIPTION: Subdivision - Village South Phase III Section 2

Lot(s) 1A Block A Outlot _____ Division _____

I/We Vincent G. Huebinger on behalf of myself/ourselves as authorized agent for

American Tower & Verizon Wireless affirm that on 03/18, 2015,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development
Code you are seeking a variance from)

RECT X ATTACH COMPLETE REMODEL MAINTAIN

Chapter 25-2-839 (G) (b&c) To increase the existing monopole tower height from 100' to 110' to allow Verizon Wireless to attach and extend the tower by 10% of additional height over what was approved by SPC-06-0654C5 as a conditional Use for Communication services for Verizon customers to the existing neighborhood.

in a JR-NP
(zoning district)

district: (Franklin Park)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because: This facility is defined by Section 6409 of the Middle Class Tax Relief & Job Creation Act of 2012, an amendment to the Telecommunications Act of 1996, which mandates that state and local governments must approve an eligible facilities request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. For this purpose, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves, a) collocation of new transmission equipment, b) removal of transmission equipment, or c) replacement of transmission equipment. This facility can be allowed to increase the height not more than 10%. See attached Documentation.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

- 1) The tower was approved as a conditional Use in SPC-06-0654CS, is legal and conforming use.
- 2) The Code specifies that the minimum distance between SFS or more restrictive uses be 75' (25-2-839(a)1).
- 3) The code does not specify a height allowable between 100' - 120'. 25-2-839 (g)(c).
- 4) The federal Legislation allows modifications of the height up to 10% on eligible facilities.
- 5) Constructing a new site in this immediate location is not allowed without denial of this application due to the required affidavit and reasons that the antenna array cannot be located on an existing tower or other structure.

(b) The hardship is not general to the area in which the property is located because:

- 1) It complies with the zoning category within LR-NP and is governed by 25-2-839 throughout the city full purpose annexation limits, so it is not a specific or general site hardship.
- 2) The issue resolving the extension, and thereby applying for a new tower, as it applies to this specific site, conflicts within 25-2-840(A)3 "reasons that the antenna array cannot be located on an existing structure". Constructing a new tower in this immediate location would require an affidavit to this fact. In this specific case this application would have to be denied to attest to this affidavit. American Tower Corporation owns the tower, has accepted the Verizon application, has indicated that the structure is extendable at 10' in height and the Verizon Radio Frequency engineers have provided the documentation within this application verifying that this site, with a 10' extension meets the demands of the coverage.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: The monopole tower and equipment already exists at the current location at 100' height. Allowing the tower extension to 110' would not interfere with the current surrounding land uses, will not impair the use and enjoyment of adjacent tracts and immediately increase coverage for Verizon customers in the area.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because: Not Applicable
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because: Not Applicable

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because: Design standards would exceed the minimum wind loads and structural requirements in the 2012 IBC.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because: This applies to the Conditional Use allowed on the site, not the land. It is a variance to the zoning height established for wireless communications and setback related to height ratio.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed V. G. Huening

Mail Address 1715 Capital Tex Hwy S

City, State & Zip Suite 207, Austin Texas 78746 Vincent Gierard & Assoc, Inc

Printed Vincent G. Huening

Phone 512-328-2693 Date 03/05/2015

OWNERS CERTIFICATE I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____

Mail Address _____

City, State & Zip _____

Printed See Lendowners Authorization Attached Phone _____

Date _____



AMERICAN TOWER
TELECOMMUNICATIONS

LETTER OF AUTHORIZATION

ATC SITE # / NAME: 374720 / Pleasant Valley Plaza TX
SITE ADDRESS: 4701 1/2 E Stassney Lane, Austin, TX 78744
LICENSEE: Verizon Wireless

I, **Margaret Robinson, Senior Counsel for American Tower***, operator of the tower facility located at the address identified above (the "Tower Facility"), do hereby authorize Verizon Wireless, its successors and assigns, and/or its agent, (collectively, the "Licensee") to act as American Tower's non-exclusive agent for the sole purpose of filing and consummating any land-use or building permit application(s) as may be required by the applicable permitting authorities for Licensee's telecommunications installation.

We understand that this application may be denied, modified or approved with conditions. The above authorization is limited to the acceptance by Licensee only of conditions related to Licensee's installation and any such conditions of approval or modifications will be Licensee's sole responsibility.

Signature:

Print Name: Margaret Robinson
 Senior Counsel
 American Tower*

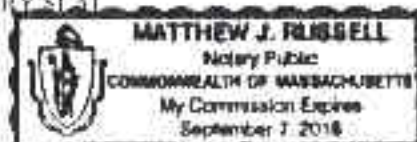
NOTARY BLOCK

Commonwealth of MASSACHUSETTS
 County of Middlesex

This instrument was acknowledged before me by **Margaret Robinson, Senior Counsel for American Tower***, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal, this 30th day of October, 2014.

NOTARY SEAL



Notary Public
 My Commission Expires:

* American Tower includes all affiliates and subsidiaries of American Tower Corporation.



5804 Tri County Parkway
Schertz, TX 78154

To Whom it may concern:

I, Tim Caletka (Principal Const. Engineer Verizon Wireless) hereby authorize Vincent Gerard & Associates to file and pull all appropriate documents, permits and applications with respect to Verizon permits on our projects. Vincent Gerard & Associates is an authorized agent for Verizon Wireless.

Thank You,

A handwritten signature in blue ink that reads "Tim Caletka".

Tim Caletka - Sr. Construction Engineer

MR 2 NP

MR 2 NP

MR 2 NP

ZONING SITE PLAN

1/10/2011

DATE: 1/10/2011

1/10/2011

MR 2 NP

MR 2 NP

MR 2 NP

MR 2 NP

MR 2 NP

MR 2 NP

MR 2 NP

MR 2 NP



EX-1001

ZONING SITE PLAN

4771 172 E. STANLEY LANE UNIT C
AUSTIN, TEXAS 78744

verizon wireless

1/10/2011

1/10/2011

1/10/2011

1/10/2011

SECTION 09 CONSTRUCTION

1. SUMMARY
 A. Section Includes
 1. Construction of all structures, foundations, and utilities shown on the plans.
 2. Construction of all structures, foundations, and utilities shown on the plans.
 3. Construction of all structures, foundations, and utilities shown on the plans.

PROPOSED UTILITIES

2. REFERENCES
 A. City of Austin Engineering Department
 B. City of Austin Engineering Department
 C. City of Austin Engineering Department
 D. City of Austin Engineering Department
 E. City of Austin Engineering Department
 F. City of Austin Engineering Department
 G. City of Austin Engineering Department
 H. City of Austin Engineering Department
 I. City of Austin Engineering Department
 J. City of Austin Engineering Department
 K. City of Austin Engineering Department
 L. City of Austin Engineering Department
 M. City of Austin Engineering Department
 N. City of Austin Engineering Department
 O. City of Austin Engineering Department
 P. City of Austin Engineering Department
 Q. City of Austin Engineering Department
 R. City of Austin Engineering Department
 S. City of Austin Engineering Department
 T. City of Austin Engineering Department
 U. City of Austin Engineering Department
 V. City of Austin Engineering Department
 W. City of Austin Engineering Department
 X. City of Austin Engineering Department
 Y. City of Austin Engineering Department
 Z. City of Austin Engineering Department

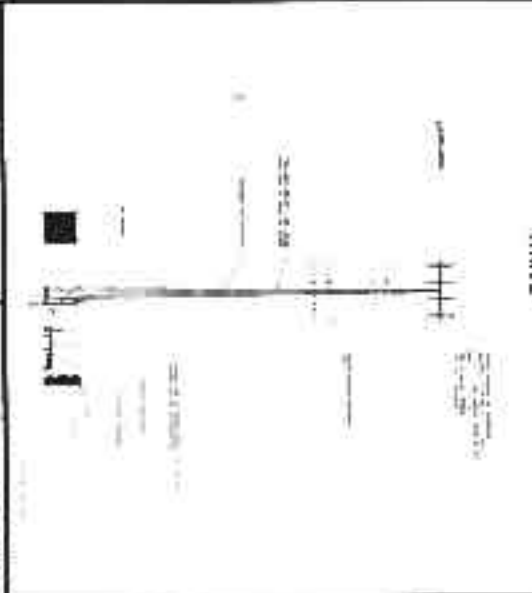
NOTES

1. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 2. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 3. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 4. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 5. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 6. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 7. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 8. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 9. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 10. All construction shall be in accordance with the City of Austin Engineering Department specifications.

PROPOSED UTILITIES

1. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 2. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 3. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 4. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 5. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 6. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 7. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 8. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 9. All construction shall be in accordance with the City of Austin Engineering Department specifications.
 10. All construction shall be in accordance with the City of Austin Engineering Department specifications.

TOWER



TELEPHONE



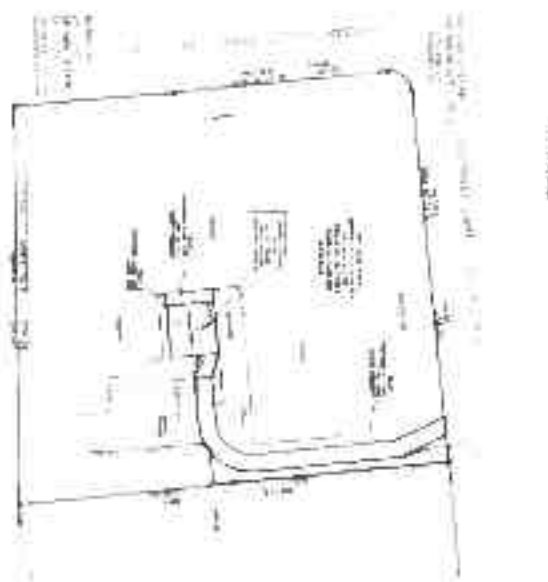
PLUMBING



LANDSCAPE



SI SITE



UTILITIES



CITY APPROVAL



CRICKET COMMUNICATIONS
 AUS-125-B PLEASANT VALLEY PLAZA LLC
 4781-1/2 EAST STAGSNEY LANE
 AUSTIN, TEXAS 78744



SITE
 CH FALLS

2

Streamlined Wireless Facilities Deployment:

Federal Regulation in the Middle Class Tax Relief and Job Creation Act of 2012

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409") mandates that state and local governments must approve an eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Section 6409 was signed into law February 22, 2012. The section mandating streamlined modification and collocation approval ensures the timely deployment of wireless services.

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012¹

(4) Facility Modification.—

(1) In general.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) Eligible facilities request.—For purposes this subsection, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) Applicability of environmental laws.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

Section 6409 applies to eligible facilities requests for modification of existing wireless towers and base stations.

- 1. Section 6409 defines "eligible facilities request" as any request for modification of an existing wireless tower or base station that involves:
 - Collocation of new transmission equipment;
 - Removal of transmission equipment; or
 - Replacement of transmission equipment.
- 2. The Federal Communications Commission ("FCC") defines "collocation" as "the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes."²
- 3. The FCC defines a "substantial change" as:
 - The mounting of a proposed antenna on the tower that would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
 - The mounting of a proposed antenna that would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable.³
- 4. The FCC defines a "tower" as "any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities."⁴
- 5. The federal regulations define a "base station" as "[a] station at a specified site authorized to communicate with mobile stations;" or "[a] land station in the land mobile service."⁵

Federal Regulation of Wireless Siting in the Middle Class Tax Relief and Job Creation Act of 2012

Section 6409 requires approval of eligible facilities requests that do not substantially change the physical dimensions of a tower or base station arm.

- Applies despite section 704 of the Telecommunications Act of 1996, which preserves the authority of a state or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities;¹⁴
- Preempts zoning review and conditional approvals of eligible facilities requests;¹⁵
- Requires eligible facilities requests be subject to, at most, administrative review processes and not discretionary review processes that allow a state or local government to deny or condition an eligible facilities request;
- Requires that eligible facilities requests for the modification of legal, non-conforming towers must be approved;
- The FCC's Wireless Facility Siting "Shot Clock" applies to eligible facilities request for collocation, as well as applicable state laws that mandate shorter time limits for review of applications for wireless facilities siting and/or building permit review, though Section 6409 makes it easy for jurisdictions to complete the review well within any such timeframe.¹⁶

For the full text of Section 6409 and its legislative history, see Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409"), Pub. L. No. 112-96, §6409 (2012), available at <http://www.gpo.gov/fdsys/pkg/BILLS-112hr3630enr/pdf/BILLS-112hr3630enr.pdf>; see also H.R. Rep. No. 112-393 at 132-33 (2012) (Conf. Rep.), available at <http://www.gpo.gov/fdsys/pkg/CRPT-112hr399/pdf/CRPT-112hr399.pdf>. See also Jeffery Steinberg, Deputy Chief, Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, Fed. Comm'n Comm'n, FCC Presentation: The Legal Framework at the FCC Workshop: Promoting Mobile Broadband in your Community by Collocating Wireless Antennas on Communications Towers and other Structures (May 1, 2012), available at <http://www.fcc.gov/events/collocation-workshop>; "Collocation Workshop Statement" (directly referencing the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (2001), 47 C.F.R. Part I, Appendix B, available at <http://wireless.fcc.gov/releases/dac10891a.pdf> ("Collocation Agreement"), as a source for defining the terms within Section 6409).

¹⁴ Collocation Agreement; see also *Petition for Declaratory Ruling To Clarify Provisions of Section 332(c)(7)(B) To Ensure Timely Siting Review and To Preempt Under Section 253 State and Local Ordinances That Classify All Wireless Siting Proposals as Requiring a Variance*, Declaratory Ruling, 24 FCC Rcd 13994, 14021 ¶ 71 (2009) ("Shot Clock Ruling"), *recon. denied*, 25 FCC Rcd 21257 (2010), *aff'd*, *City of Arlington, Tex. et al. v. FCC*, 2012 U.S. App. LEXIS 1252 (5th Cir. 2012), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-99A1_Rcd.pdf; see also *Wireless Telecommunications Bureau & Mass Media Bureau Announce the Release of a Fact sheet Regarding the March 15, 2001 Antenna Collocation Programmatic Agreement*, Public Notice, 17 FCC Rcd 508 (2002), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-28A1.pdf.

¹⁵ Collocation Agreement. See also Collocation Workshop Statement (directly referencing the Collocation Agreement as the source of the definition of "substantial change").

¹⁶ *Id.*

¹⁷ See, e.g., 47 C.F.R. §§24.5, 90.7.

¹⁸ 47 U.S.C. §332(c)(7)(A). The Telecommunications Act of 1996 defines "personal wireless service facilities" as facilities for the provision of personal wireless services, including commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. 47 U.S.C. §332(c)(7)(C).

¹⁹ See 158 Cong. Rec. E237-239 (daily ed. Feb. 24, 2012) (statement of Rep. Upton), available at <http://www.gpo.gov/fdsys/pkg/CREC-2012-02-24/pdf/CREC-2012-02-24-pt1-PgE237-5.pdf>. Zoning review and/or conditional approvals of eligible facilities request can have the effect of denying such requests as a conditional approval is not an approval *per se*; therefore it is a denial and a violation of Section 6409.

²⁰ Shot Clock Ruling (this means that state and local governments have 90 days to act on an application to collocate wireless facilities on existing structures, but under Section 6409 state and local governments must approve within 90 days any eligible facilities request for collocation or replacement of transmission equipment on existing towers that do not substantially change the physical dimensions of such tower).

For more information, please contact PCIA's Government Affairs Department: govaffairs@pcia.com





Nuckols Crossing Tower

Verizon Wireless

David Sissom

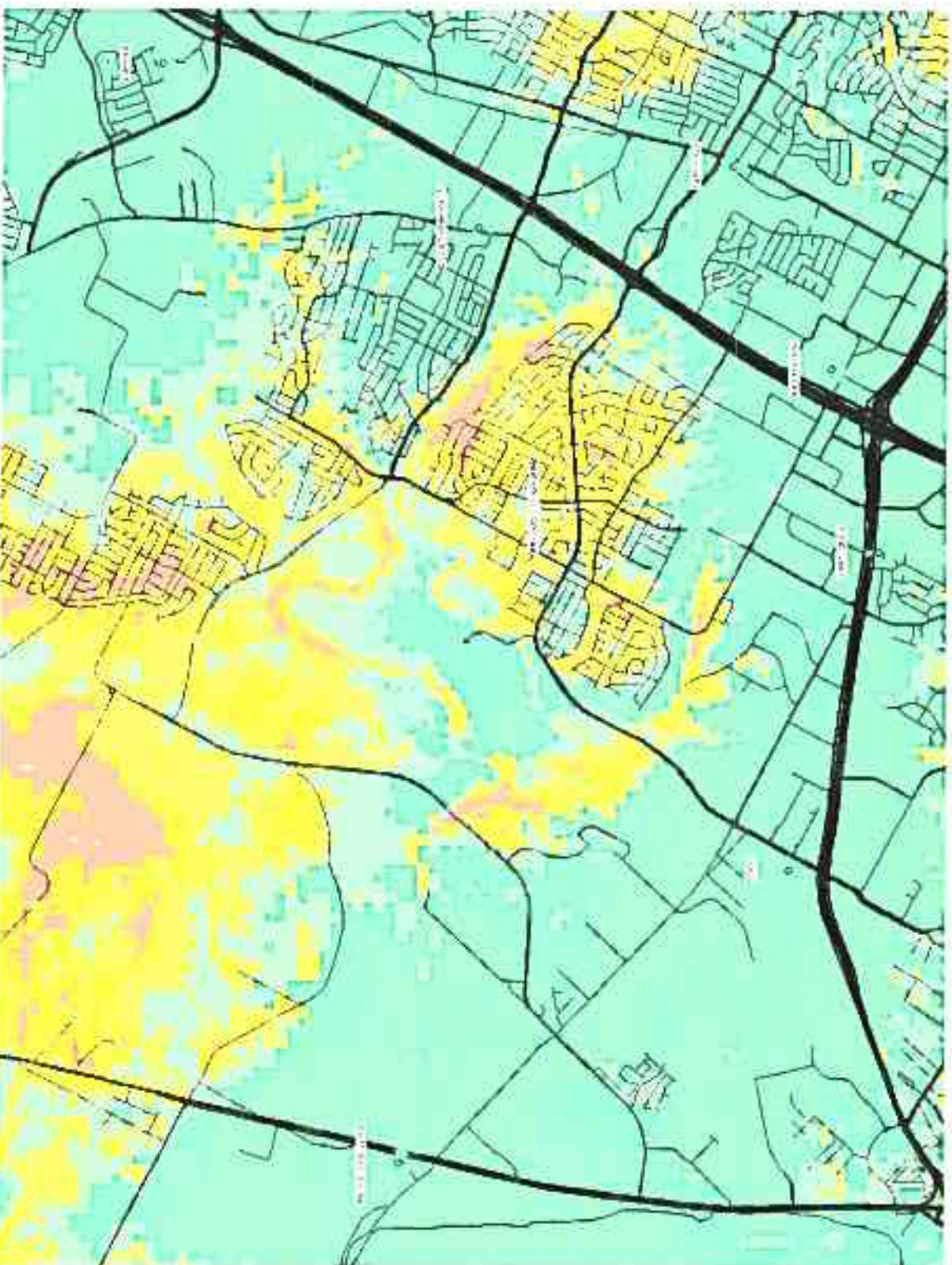
Princ Engr-RF

March 9, 2015



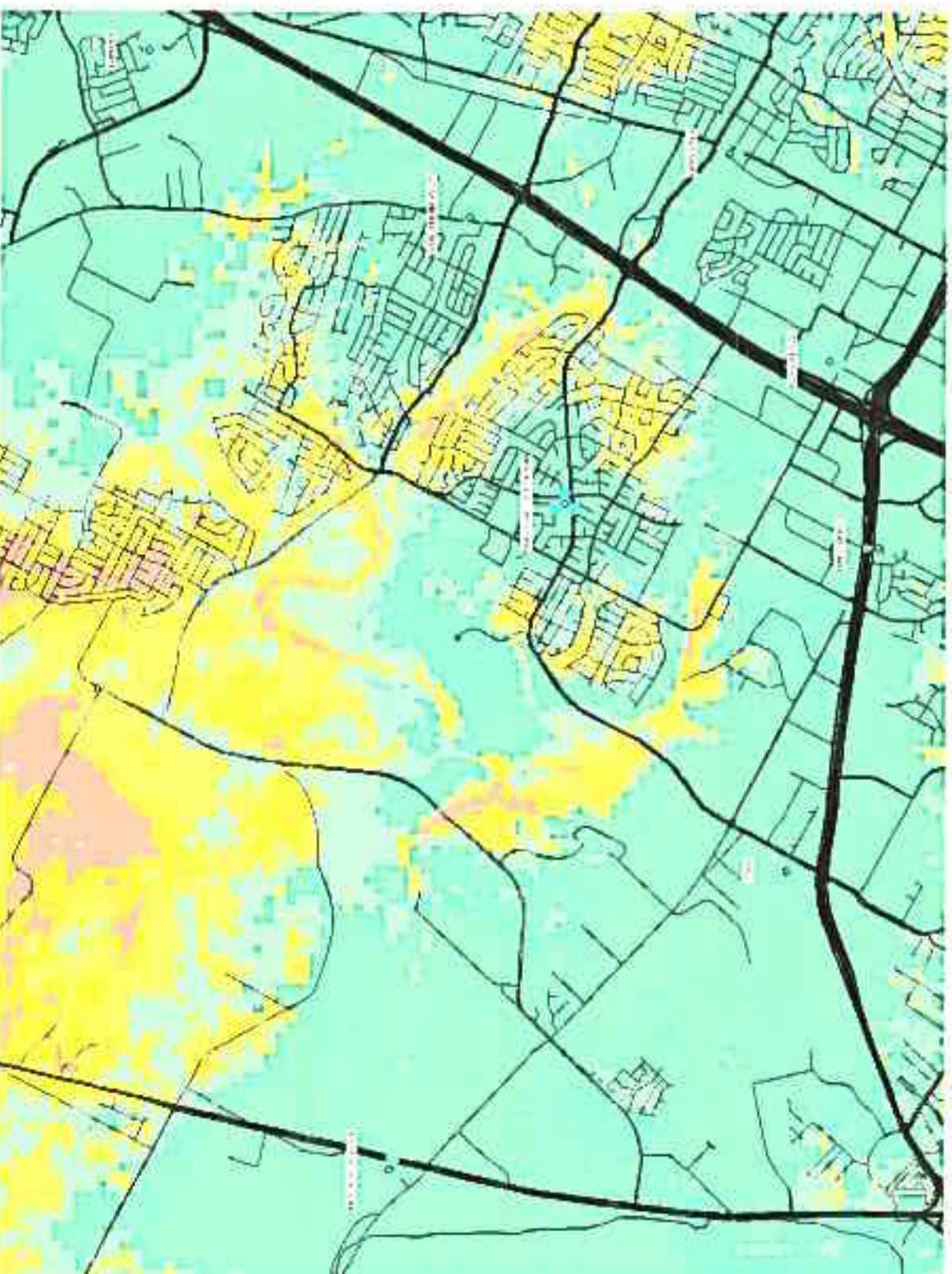
Current Coverage

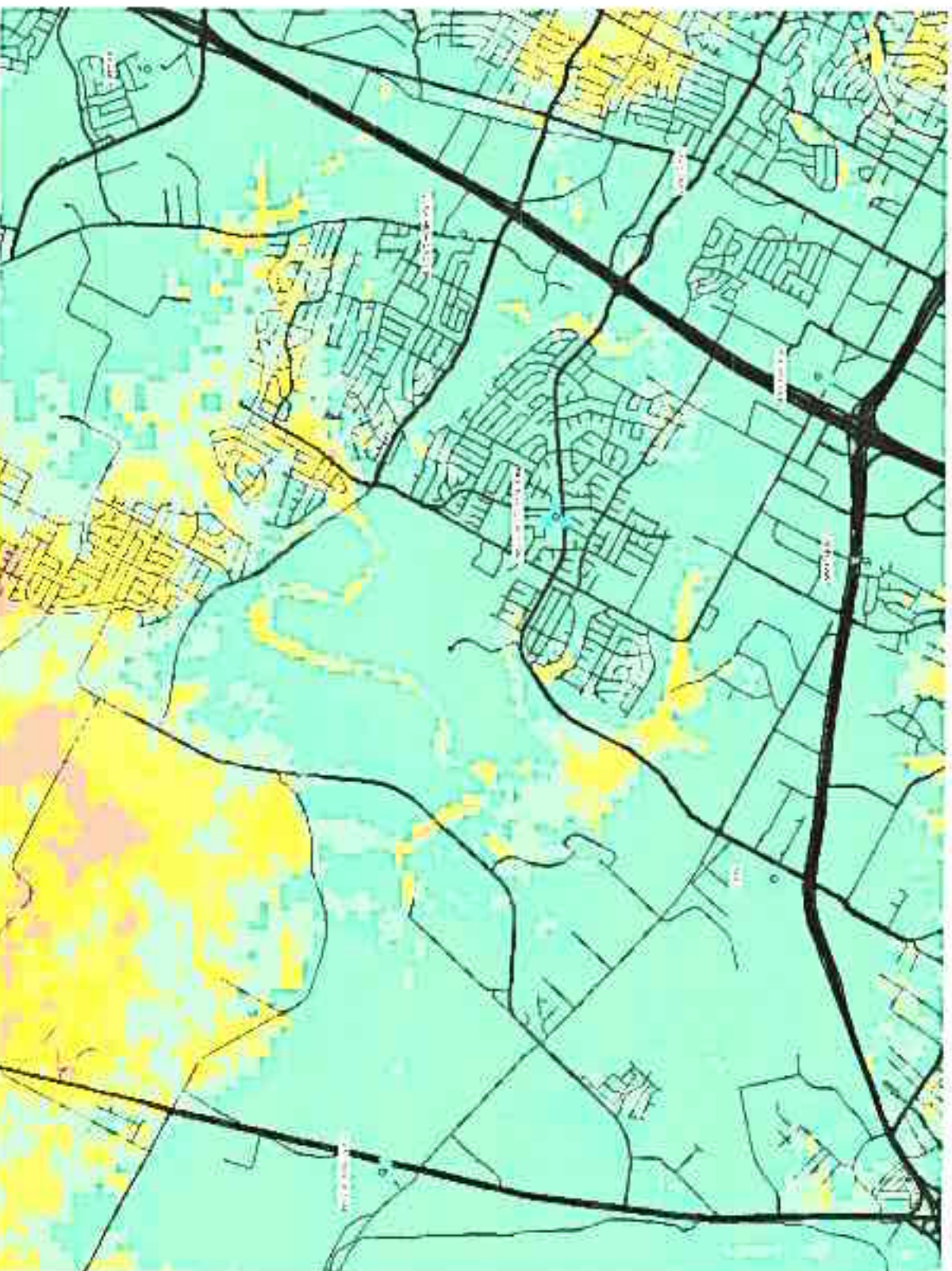
- 100% Coverage
- 90-99% Coverage
- 80-89% Coverage
- 70-79% Coverage
- 60-69% Coverage
- 50-59% Coverage
- 40-49% Coverage
- 30-39% Coverage
- 20-29% Coverage
- 10-19% Coverage
- 0-9% Coverage





Coverage at 60ft antenna height





CITY OF AUSTIN DEVELOPMENT WEB MAP



Legend

Lot Lines

Streets

Building Footprints

Named Creeks

Lakes and Rivers

Parks

County

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

• **§ 25-2.839 TELECOMMUNICATION TOWERS.**

(A) A tower used by a public agency, whether for its police, fire, emergency or other services, or for other public emergency communications, is exempt from the requirements of this section and **§ 25-2.840**.

(B) See **§ 25-2.840** for Telecommunication Towers.

(C) A telecommunication tower may exceed the height, setback and clearance standards and the compatibility standards in Article 10's Compatibility Standards.

(D) A telecommunication tower is not a structure included in section 25-2.839, the same as in Article 10's National Scenic and Historic Landmark Standards for listed historic towers.

(E) For a tower meeting the requirements of Section 25-2.839 or (C), a telecommunication tower that complies with the requirements of this subsection is permitted to any of the following:

- (1) The tower must be a replacement for a functioning:
 - (a) utility pole or light standard within a right-of-way 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 it is replacing, except for the antennae.

(F) A telecommunication tower described in Section 25-2.839 or (C) must conform with the requirements of this subsection.

- (1) The tower may not be located:
 - (a) on or within 100 feet of property that is zoned as a historic landmark, historic district or
 - (b) existing or designated National Register District;
 - (b) within 50 feet of a historic structure or designated use of**any water, or feet of a dwelling unit.**
- (2) The tower may be of many pole construction and designed to accommodate at least two antennas.
- (3) **The antenna array may not exceed a tower height by more than 10 feet.**
- (4) Guy and stay anchors must be at least 20 feet from adjacent property.
- (5) The tower must be:
 - (a) enclosed by security fencing; and
 - (b) screened from street view by landscaping at least 10 feet high.
- (6) The tower must be identified by a sign visible from outside the property. The sign must state 10 letters or less in two inches high the name and telephone number of the tower manager and the Federal Communications Commission license number.

(G) A telecommunication tower that complies with the requirements of this subsection is a permitted use in an R1-90 or less residential district, except for an M1 district.

- (1) The tower must be at least 200 feet from an M1 district or at least 50 feet from an R1-90 or less residential district.
- (2) The tower, excluding antenna array, may not exceed the following height:
 - (a) 75 feet for a tower less than 175 feet from an M1 district or at least 50 feet from an R1-90 or less residential district; or
 - (b) 100 feet for a tower at least 250 feet from an M1 district or at least 50 feet from an R1-90 or less residential district.

- (c) 20 feet, for a tower 500 feet or more from an MFL 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 MFL use or an SF-5 or more restrictive use if the director determines that:
 - (a) the tower will be located in a CO or less restrictive district;
 - (b) not more than two uses that are MFL uses or SF-5 or more restrictive uses are less than the prescribed separation distance from the tower base;
 - (c) the MFL 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.
- (4) A telecommunications tower that is not a permitted use under Subsection (1) is a conditional use in an SF-6 or less restrictive district, except for an MFL district, if the tower complies with the requirements of this subsection:
 - (a) The tower must be at least 5 feet from an MFL district or at least 20 feet from an SF-5 or more restrictive district or use;
 - (b) The tower, excluding antenna arrays, may not exceed the following height:
 - (i) 75 feet for a tower less than 100 feet from an MFL district or use or an SF-5 or more restrictive district or use;
 - (ii) 100 feet for a tower at least 100 feet but less than 200 feet from an MFL district or use or an SF-5 or more restrictive district or use;
 - (iii) 120 feet for a tower at least 200 feet but less than 300 feet from an MFL district or use or an SF-5 or more restrictive district or use; or
 - (iv) as set by the Land Use Commission for a tower 300 feet or more from an MFL district or use or an SF-5 or more restrictive district or use.
 - (c) The Land Use Commission may waive a requirement of this subsection for a minimum separation distance between a tower and an MFL use or an SF-5 or more restrictive use if the Land Use Commission determines that:
 - (i) the tower will be located in a CO or less restrictive district;
 - (ii) not more than two uses that are MFL uses or SF-5 or more restrictive uses are less than the prescribed separation distance from the tower base;
 - (iii) the MFL 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
 - (iv) the proposed tower location will not negatively affect a residential neighborhood.
- (5) The distance from a tower to a zoning district or use is measured:
 - (a) along a straight line from the center of the tower base to the nearest property line of the zoning district or use; or
 - (b) for a distance prescribed by Paragraph (1) to be a straight line from the center of the tower base to the nearest exterior wall of the building.
- (6) In this section, a reference to an MFL district or use or an 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 school and facility;
 - (3) used for a college or university educational facility;
 - (4) owned by the United States, the State of Texas, or the City and not used for an MFL 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 ones described in the subdivision; Source: Sections 17-2-225 and 17-2-226, Ord. 980223-70; Ord. 000362-36; Ord. 010607-0; Ord. 020211-1; Ord. 041202-56.

• **§ 25-2-801 SPECIAL REQUIREMENTS FOR TELECOMMUNICATION TOWERS.**

(A) An application to construct a telecommunication tower described in [§ 25-2-801\(1\)\(a\)\(i\)\(A\)](#) (Telecommunication Tower) must be accompanied by an affidavit that lists:

- 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 provide to the city manager the recorded information.

(C) This subsection applies if a telecommunication tower described in [§ 25-2-801\(1\)\(a\)\(i\)\(A\)](#)

(Telecommunication Tower) 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 have the tower removed within 18 months of the time that wireless communications cease.

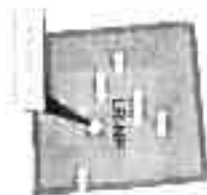
(D) The director shall maintain a map of all telecommunication towers located within the planning jurisdiction.

Source: Ord. 060302-36; Ord. 031204-53; Ord. 020211-11

DATE _____
PAGE _____

MAR 2 1970

100-2-403



1-800-955-8888

567 J. A. F.

UNIDISTRICT.COM

[illegible][illegible]

1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 2. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 3. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 4. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 5. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 6. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 7. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 8. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 9. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 10. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

[illegible]

How to Apply for

$$E^{\infty}A = \Sigma_{\infty}A$$

PLANNING SITE PLAN

4TH SE STATION FIRE UNIT
AUSTIN TEXAS 78744

