

CITY OF CROWLEY, TEXAS: CHAPTER 106 - ZONING ORDINANCE

ARTICLE 10: ANTENNAS

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CITY OF CROWLEY, TEXAS: CHAPTER 106 - ZONING ORDINANCE

ARTICLE 10: ANTENNAS

106.111 PURPOSE

Certain radio equipment used in transmitting and receiving signal energy is essential and is deemed to promote the health, safety, and general welfare of the citizens of the city. The placement of such equipment shall be located such that the health, safety, welfare, and aesthetic quality of the community shall not be compromised. Therefore, the regulations governing the location of such equipment shall consider the aesthetic quality of the community equal to the health, safety, and general welfare of the community. The antennas, masts, and towers hereinafter enumerated shall not be deemed violations of this chapter when made under the conditions provided in this Article.

106.112 AMATEUR RADIO EQUIPMENT AND TV ANTENNAS IN RESIDENTIALLY ZONED DISTRICTS

A. APPLICABILITY

Amateur radio equipment, including ham radio and CB equipment and personal use TV antennas, shall be allowed in the AG, R-1, R-2, R-3, R-4, MR, MF, and MH zoning districts if they comply with the following regulations.

B. STANDARDS

- (1) Antenna facilities may be building attached, monopoles or lattice towers;
- (2) Up to three antenna facilities may be located on a lot of record, collocation is encouraged;
- (3) An antenna facility, exclusive of the height of any antenna or mast, shall not exceed 35 feet in height; provided, however, 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 (**Article 3**) and standards for Accessory Buildings in **Article 5** of this chapter. Regardless of the restriction set forth in this subsection, the maximum height for a tower permitted without a specific use permit in any residential district shall be 65 feet;
- (4) The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed 65 feet in height without a specific use permit;
- (5) An antenna not fastened to an antenna facility shall not exceed 50 feet without a specific use permit, except for an antenna which does not extend more than eight feet above a building on which it is mounted;
- (6) An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;
- (7) Setbacks:
 - a. Antennas and antenna facilities shall not be permitted in front yards or in side yards visible from any public street. 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;
- (8) Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record;
- (9) Antenna facilities shall not be permitted in any easement;
- (10) Lights: No auxiliary or outdoor lighting shall be allowed on antenna facilities located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
- (11) Construction standards: A building permit must be obtained prior to the construction and/or installation of an antenna facility. Antenna facilities must be installed as per the manufacturer's recommendations or under the seal of a registered professional engineer of the state. Regardless of the above, all such antenna facilities must meet the Electronic Industries Association Standard EIA-222-D, structural standards for steel antenna towers and antenna supporting structures and the building code;
- (12) Maintenance: Antennas and/or antenna facilities obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare;
- (13) No part of an antenna facility or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility;
- (14) Owners of any antenna facility must sign a notarized statement that they acknowledge and accept that a minimum amount of \$300,000.00 liability insurance that covers the antenna or antenna facility must be maintained at all times and that proof of such insurance coverage can be demanded to be provided to the city upon three working days' notice to the owner. Such notarized statement and, if the antenna facility is capable of transmitting, a copy of their Federal Communications Commission license must be provided prior to the issuance of a building permit;
- (15) No permit shall be issued for the installation of an antenna facility on a multifamily structure or property unless a notarized statement of permission from the owner is presented to the building department;
- (16) All antenna facilities shall be subject to an inspection every five years by a qualified expert, such inspection to be conducted and charged for by the city in accordance with provisions in the building code.

C. APPROVAL PROCESS

- (1) Antennas that meet the standards in this section may be approved administratively.
- (2) An SUP (specific use permit) meeting the standards in Section 106.34(C) and Section 106.116 must be obtained for any antenna facility which does not comply with the regulations specified in this section.

106.113 AMATEUR RADIO EQUIPMENT AND TV ANTENNAS IN NONRESIDENTIAL DISTRICTS

A. APPLICABILITY

This section shall apply to all radio, television, microwave broadcast relay, receiving towers, transmission and retransmission facilities, satellite receiving only earth stations (home dish antenna), and any electronic emission equipment of a commercial nature to be allowed in all nonresidential zoning districts.

B. SITING

- (1) Siting of a wireless communication facility (as here in defined) shall be in accordance with the following in order of preference (from highest preference to lowest preference):
 - a. Co-location in an existing facility;
 - b. City-owned property or facility;
 - c. Attached wireless communication facility;
 - d. Replacement of existing antenna supporting structure;
 - e. Stealth wireless communication facility;
 - f. Non-stealth antenna supporting structure (monopole tower with internal antenna or antenna array).
- (2) Where a lower-ranked alternative is proposed, the applicant must file an affidavit demonstrating that higher ranked options are not feasible, despite diligent efforts to adhere to the established hierarchy within the geographic coverage area as attested by the written determination of a qualified radio frequency engineer.
- (3) If an SUP is required for the lower ranked alternative requested, the City Council will retain the discretion to deny or modify the application based on factors not related solely to the need for wireless communications, including factors related to other objectives in Section 106.34(C) and Section 106.116.

C. COLOCATION STANDARDS

Up to three antenna facilities may be located on a lot of record, collocation is encouraged.

D. STANDARDS

- (1) Antenna facilities shall be limited to building attached and monopoles only;
- (2) An antenna facility, exclusive of the height of any attached antenna, shall not exceed 35 feet in height; provided, however, 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 contained in **Article 3** and Accessory Building Standards in **Article 5** of this chapter. Regardless of the restriction set forth in this subsection, the maximum height of an antenna, including the height of an antenna facility to which they may be fastened or attached, shall not exceed 65 feet in any nonresidential district without a specific use permit;
- (3) An antenna not fastened to an antenna facility shall not exceed 50 feet, except for an antenna which does not extend more than eight feet above a building on which it is attached;

- (4) An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;
- (5) Setbacks:
 - a. Antennas and antenna facilities shall not be permitted in front or side yards; and
 - b. Antennas and antenna facilities shall be set back from residential districts a minimum distance equal to two times the height of the tower, but in no instance shall the setback be less than 200 feet from any residentially zoned district;
- (6) Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record. With the exception of structure mounted antenna, there shall be a separation of 1,500 feet from antenna facilities;
- (7) Antenna facilities shall not be permitted in any easement;
- (8) Lights: No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
- (9) Construction standards: A building permit must be obtained prior to the construction and/or installation of a tower, antenna, or mast. Antenna facilities must be installed as per the manufacturer's recommendations or under the seal of a registered professional engineer of the state. Regardless of the above, all such antenna facility and antennas must meet the Electronic Industries Association Standard EIA-222-D, structural standards for steel antenna towers and antenna supporting structures and the building code;
- (10) Maintenance: Antenna facilities and antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare;
- (11) No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility;
- (12) Owners of any antenna or antenna facility must sign a notarized statement that they acknowledge and accept that a minimum amount of \$300,000.00 liability insurance that covers the antenna or antenna facility must be maintained at all times and that proof of such insurance coverage can be demanded to be provided to the city upon three working days' notice to the owner. Such notarized statement and, if the antenna, or antenna facility is capable of transmitting, a copy of their Federal Communications Commission license must be provided prior to the issuance of a building permit;
- (13) No permit shall be issued for the installation of an antenna or antenna facility on a multifamily structure or property unless a notarized statement of permission from the owner is presented to the building department;
- (14) All antennas or antenna facilities shall be subject to an inspection every five years by a qualified expert, such inspection to be conducted and charged for by the city in accordance with provisions in the building code.

E. APPROVAL PROCESS

- (1) Antennas that meet the standards in this section may be approved administratively.

- (2) An SUP (specific use permit) meeting the standards in Section 106.34(C). and Section 106.116 must be obtained for any antenna facility which does not comply with the regulations specified in this section.

106.114 WRITTEN REPORT UPON DENIAL OF REQUEST

The city shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing. Such documentation shall be supported by evidence within the written record.

106.115 SATELLITE RECEIVE-ONLY ANTENNAS

A. GENERALLY

Satellite receive-only antennas assist individuals in the receipt of satellite transmitted television signals. Satellite receive-only antennas shall not be deemed violations of this Article when made under the conditions set forth in this section and Sections 106.115(B) and 106.115(C). Such conditions are hereby found to be reasonable and clearly defined health, safety, and aesthetic objectives.

B. SMALLER SIZED ANTENNAS

A satellite receive-only antenna shall be allowed if it complies with the following:

- (1) The satellite receive-only antenna is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by nonfederal land use regulations; or
- (2) The satellite receive-only antenna is less than one meter in diameter in any residential zoning district.

C. LARGER SIZED ANTENNAS

Satellite receive-only antennas that are greater than one meter in diameter in residential districts or greater than two meters in diameter in nonresidential districts shall be allowed in any zoning district if they comply with the following regulations.

- (1) Only one satellite receive-only antenna per lot of record;
- (2) A satellite receive-only antenna shall not exceed 10 feet in height;
- (3) Setbacks:
 - a. Front and side: Satellite receive-only antennas shall not be permitted in front or side yards;
 - b. Rear: Satellite receive-only antennas shall be permitted in rear yards provided they meet the minimum setback as is required for accessory buildings in residential districts and as for all buildings in nonresidential districts;
- (4) Separation: There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record;
- (5) Satellite receive-only antennas shall not be permitted in easements;
- (6) Lights: No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
- (7) Construction standards: A building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna. Satellite receive-only antennas

must be installed pursuant to the manufacturer's recommendations or under the seal of a registered professional engineer of the state;

- (8) Maintenance: Satellite receive-only antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare;
- (9) No part of a satellite receive-only antenna or any attachment thereto may extend beyond the property lines of the owner of such satellite receive-only antenna;
- (10) No permit shall be issued for the installation of a satellite receive-only antenna on a multifamily structure or property unless a notarized statement of permission from the owner is presented to the building department;
- (11) All satellite receive-only antennas shall be screened from view from adjoining properties by fencing or evergreen plants. 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; and
- (12) A specific use permit must be obtained for any satellite receive only antenna which does not comply with the regulations specified in this division.

106.116 SPECIFIC USE PERMIT STANDARDS FOR ANTENNAS

A. GENERALLY

A specific use permit must be obtained for any antenna, tower and/or satellite receive-only antenna which does not comply with the regulations specified in this Chapter. In addition to the considering the standards in Section 106.34(C) whether to grant a Specific Use Permit, the City Council shall also consider the following:

- (1) The effect on the value of the surrounding property;
- (2) The potential for interference with the enjoyment of the use of surrounding properties;
- (3) Aesthetics;
- (4) The necessity of the specific use permit for the public health, safety, and welfare of the citizens or for governmental purposes;
- (5) The zoning district and the adjoining zoning districts of the property for which the specific use permit is sought;
- (6) The provisions of 47 CFR 25.104 which preempt local zoning or other regulations that differentiate between satellite receive-only antennas and other types of antenna facilities unless such regulations:
 - a. Have a clearly defined health, safety or aesthetic objective; and
 - b. Further the stated health, safety, or aesthetic objective without unnecessarily burdening the federal interest in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers;
- (7) The unique conditions that govern reasonable reception on any given lot;
- (8) To properly evaluate all applications to locate commercial antennas or towers which do not comply with the regulations specified hereinabove 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 antenna;
- c. Describe why the antenna or tower is necessary;
- d. State the names 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 backhaul provider;
- f. The applicant must address whether or not they have made an effort to collocate the facilities proposed for this antenna or tower on existing towers or facilities in the same general area. Please identify the location of these existing sites. If yes, please 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. Indicate whether or not the existing sites allow/promote collocation and, if not, describe why not;
- g. Indicate whether or not collocation will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis for each reason;
- h. If the requested location is in a residential district the applicant must address whether or not they have made an effort to locate the facility in a commercial or industrial district. Please identify the location of these commercial and or industrial district sites. Please describe in detail these efforts and explain in detail why these commercial or industrial district sites were not feasible. Attach all studies or tests performed which demonstrate why the commercial or industrial sites will not provide sufficient signal coverage. Provide written documentation from commercial or industrial district sites' owners and/or operators which confirm the statements provided;
- i. Indicate the proposed provider's current coverage area for the city. Attach maps showing the areas:
 1. The proposed provider's existing antenna currently cover;
 2. The applicant's existing sites and other existing sites would cover; and
 3. The applicant's existing sites and the requested site would cover;
- j. Describe the applicant's master antenna and tower 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 telecommunications antenna and towers needed to cover the city. The City Council will approve a requested application subject to the finding that collocation of this facility with a nearby existing tower facility is technically not feasible and subject to the following conditions:
 1. Applicant will permit collocation of others at the site;
 2. Applicant will configure its antenna and other equipment to accommodate other providers;
 3. Applicant will identify its backhaul provider connecting antenna sites; and

4. Applicant will give notice to the city identifying any providers who collocates to the site and identify their backhaul provider.

106.117 – 106.120: RESERVED