

ZONING ORDINANCE DISTRICT DESCRIPTIONS*

Section 11 [220]. TC - Telecommunications District

A. Purpose of District[.] The Telecommunications District is designed to provide a specific secondary zone for Telecommunications Antennas, Towers, Structures, Facilities, and Uses. The district is intended as a city wide supplement or overlay to the primary zoning category for the land on which such structure or facility is to be located, and the acceptable uses for these structures or facilities. The City of Haslet recognizes today's rapidly changing technological environment and realizes the public's increasing acceptance of and demand for superior personal wireless telecommunication services and with the adoption of this ordinance, the city's objectives are:

1. To establish general city wide guidelines for the acceptable design, installation, and aesthetic integration into our community of a wide range of personal, residential, commercial and industrial telecommunications facilities, towers and antennas.
2. To encourage the location of commercial and industrial communications towers in non-residential areas and minimize the total number, height, and obtrusiveness of towers and antennas throughout the community;
3. Encourage strongly the joint or collaborative use of new and existing tower sites through co-location;
4. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal (e.g., pre-existing buildings or structures such as water towers, church steeples, bell towers, clock towers, lighting stanchions or on municipal-owned properties and facilities)
5. To camouflage or conceal the presence of antennas or towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;
6. And enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

B. Principle [Principal] Uses. Use Regulations

1. Non Commercial Residential 1 (Permit not required): Residential antennas that appertain to the reception only of private or commercial radio, television, or satellite communication signals solely for the private use of a resident shall be permitted in this district provided that:
 - (a) All antennas, antenna structures and antenna towers and facilities shall not be detached from the main structure of the home and shall not exceed 15' in

height above the highest point of the main structure. Receiving antennas exceeding this height shall be governed by Section B paragraph 2 below.

(b) All antenna structures and towers and facilities shall be installed with the safety of the community in mind, and comply with minimum engineering requirements. Said antenna structures and towers and facilities shall comply with all installation guidelines or codes as prescribed by the manufacturer, the city engineer, city or National Electric Code, or the appropriate State or Federal regulatory requirements.

2. Non Commercial Residential 2 (Both Permit and Form TC1 are required): Residential antennas that appertain to the reception and-or transmission of personal or private radio services, wireless telephony services, WiFi services, wireless data services, wireless video services, or satellite communication services and signals solely for the private use of a resident shall be permitted in this district provided that:

(a) All antenna structures and towers and facilities should be adequately described and documented on the building permit application.

(b) All antenna structures and towers and facilities shall be installed with the safety of the community in mind, and comply with minimum engineering requirements. Said antenna structures and towers and facilities shall comply with all installation guidelines or codes as prescribed by the manufacturer, the city engineer, city or National Electric Code, or the appropriate State or Federal regulatory requirements.

(c) All telecommunications services, which include transmitting antennas, shall have an appropriate and valid FCC license for the transmitter and show compliance with the FCC's safety limits for electromagnetic exposure; and if necessary visibly identify the safe zones for biologics.

(d) It is expected that antenna heights will be kept at the most reasonable minimum necessary for reliable reception. In any case, the maximum height permissible for the antenna or structure or tower shall not exceed the lesser in height of the following;

(1) 200'.

(2) The least lineal distance from the tower or antenna base to the nearest property line or utility easement.

(3) The maximum height scale prescribed by the FAA height limits imposed on properties surrounding Alliance Airport zone.

3. Commercial and Local Retail (Both Permit and form TC1 are required): Antenna, towers and related appurtenant radio, television, telecommunication and

communications facilities and structures including but not limited to transmission, reception or relay facilities, which are intended for the use of Local Retail and Commercial residents shall be permitted in only these districts provided that:

(a) The land is specifically zoned for Local Retail or Commercial use and in accordance with the procedures of this ordinance for zoning changes.

(b) All antenna structures and towers and facilities shall be installed with the safety of the community in mind, and comply with minimum engineering requirements. Said antenna structures and towers and facilities shall comply with all installation guidelines or codes as prescribed by the manufacturer, the city engineer, city or National Electric Code, or the appropriate State or Federal regulatory requirements.

(c) Towers and antenna should be situated in conformity with a site plan submitted with the zoning application.

(d) If the application is associated with flammable or explosive materials or fuels, the applicant must certify as part of their application that all transmission devices will be non-ionizing in nature, and at power levels below ionizing limits.

(e) It is expected that antenna heights will be kept at the most reasonable minimum necessary for reliable reception. In any case, the maximum height of the antenna or structure or tower shall not exceed the lesser in height of the following;

(1) 65'.

(2) No closer to the nearest property line in feet than the highest point of the antenna, tower, or facility as measured in feet.

(3) The maximum height scale prescribed by the FAA height limits imposed on properties surrounding Alliance Airport.

4. Industrial (Both Permit and form TC1 are required): Light Industrial and Industrial: Antenna, towers and related appurtenant reception and transmission of radio, television, satellite broadcasts, telecommunication and communications facilities and structures including but not limited to transmission, reception or relay facilities, which are intended for the use of light industrial and industrial resident shall be permitted in only these districts provided that:

(a) The land is specifically zoned for light Industrial or Industrial use and in accordance with the procedures of this ordinance for zoning changes.

(b) All antenna structures and towers and facilities shall be installed with the safety of the community in mind, and comply with minimum engineering requirements. Said antenna structures and towers and facilities shall comply with all installation guidelines or codes as prescribed by the manufacturer, the city engineer, city or National Electric Code, or the appropriate State or Federal regulatory requirements.

(c) Towers and antenna should be situated in conformity with a site plan submitted with the zoning application.

(d) If the application is associated with flammable or explosive materials or fuels, the applicant must certify as part of their application that all transmission devices will be non-ionizing in nature, and at power levels below ionizing limits.

(e) It is expected that antenna heights will be kept at the most reasonable minimum necessary for reliable reception or communications. In any case, the maximum height of the antenna or structure or tower shall not exceed the lesser in height of the following;

(1) 65'.

(2) No closer to the nearest property line in feet than the highest point of the antenna, tower, or facility as measured in feet.

(3) The maximum height scale prescribed by the FAA height limits imposed on properties surrounding Alliance Airport.

5. Airport District (Both Permit and form TC1 are required): All Antennas, Towers and related appurtenant reception and transmission devices of radio, television, satellite broadcasts, telecommunication and communications facilities and structures including but not limited to transmission, reception or relay facilities, which are intended for the use of airport facility residents shall be permitted in only these districts provided that;

(a) The land is zoned AF or specifically inside the Alliance airport facility and the region masked for height limits that are in close proximity to the airport facility for use and in accordance with the procedures of this ordinance for zoning changes.

(b) All antenna structures and towers and facilities shall be installed with the safety of the community in mind, and comply with minimum engineering requirements. Said antenna structures and towers and facilities shall comply with all installation guidelines or codes as prescribed by the manufacturer, the city engineer, city or National Electric Code, or the appropriate State or Federal regulatory requirements.

(c) Towers and antenna should be situated in conformity with a site plan submitted with the zoning application.

(d) May also require FAA review and approval.

(e) If the application is associated with flammable or explosive materials or fuels, the applicant must certify as part of their application that all transmission devices will be non-ionizing in nature, and at power levels below ionizing limits.

(f) It is expected that antenna heights will be kept at the most reasonable minimum necessary for reliable reception or communications. In any case, the maximum height of the antenna or structure or tower shall not exceed the lesser in height of the following;

(1) 65'.

(2) No closer to the nearest property line in feet than the highest point of the antenna, tower, or facility as measured in feet.

(3) The maximum height scale prescribed by the FAA height limits imposed on properties surrounding Alliance Airport.

C. Exemptions - Ordinance Exemptions

1. Any property, for which the primary use, prior to January 1, 1995, was the erection, construction, or testing of towers for electrical transmission line tower research, is exempted from the requirements of this district.

2. Antennas and towers already in place, or grandfathered from a previous ordinance or time, at the time this ordinance was adopted.

3. Antennas mounted on existing city towers shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna has been approved by the City Council. All other antennas or towers, located on property owned, leased, or otherwise controlled by the City Council of the City of Haslet shall be subject to the requirements herein.

4. Certain regulations may be set aside through variance if the requirement effectively denies competition.

D. Planning, Permits and Variance

1. Information Required on Concept Plan: Each applicant shall submit a scaled concept plan, a scaled elevation view, a propagation map, and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate

licensed professionals, showing the location and dimensions of all proposed improvements, including information concerning topography, proposed tower height, setbacks, drives, parking, fencing, landscaping, screening, adjacent uses, and other information deemed by the city to be necessary to assess compliance with this ordinance.

2. Inventory of Existing Sites (Applies to Commercial, Industrial, or Airport District applicants): Each applicant for an antenna and/or tower shall provide an inventory of its existing towers that are either within the jurisdiction of the city or within one-quarter mile of the city border, including specific information about the location, height, and design of each tower. The city may share such information with other applicants applying for approvals under this ordinance or with other organizations seeking to locate antennas within the city jurisdiction, provided; however, that the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

3. Co-location and Availability of Suitable Existing Towers and Other Structures:

(a) No new retail, commercial, or industrial tower shall be permitted unless the applicant demonstrates to the city that no other existing tower or structure can reasonably accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

(b) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

(c) Existing towers or structures are not of sufficient height to meet applicant's desired coverage area.

(d) The co-location creates additional financial hardship greater than the cost of ownership for on site tower location amortized over seven years.

4. Engineering requirement exceptions.

(1) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(2) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(3) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for

sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(4) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(5) A telecommunication tower must be;

(a) Used by two or more wireless telecommunications providers; or

(b) Designed and built so as to be capable of use by two or more wireless telecommunications providers.

(c) In either case the owner of the antenna must certify that access to that tower is available for use by another wireless telecommunications provider on a reasonable and non-discriminatory basis.

5. Aesthetics and Lighting

(a) All towers shall be of monopole construction, unless another tower can be shown to cause less visual impact on surrounding property than a similar monopole structure.

(b) Towers shall be maintained with either a galvanized steel finish or, subject to any applicable, standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(c) Highly reflective surfaces shall not be permitted. No glare shall be emitted to adjacent properties.

(d) All exterior wires and/or cables necessary for operation of the antenna shall be placed underground, whenever practicable, except for wires or cables attached flush with the surface of a building or the structure of the antenna.

(e) No permanent lighting is allowed on towers except as required by the FCC or the FAA (i.e., red lights by night/white strobe lighting during the day).

(f) Any temporary lighting shall be oriented inward so as not to project onto surrounding residential property or cause a nuisance to adjacent property.

6. Federal Requirements (FAA, FCC, ANSI, OSHA)

(a) All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal or State government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this

ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(b) Applicants shall provide the city with certification of compliance with ANSI and IEEE Standards regarding human exposure to non-ionizing electromagnetic radiation ("NIER").

For a site being proposed in a floodplain, the applicant shall provide the city with an Environmental Assessment ("EA") of their proposal.

For antennas, towers and/or supporting structures which are to be located in residential neighborhoods and that are to be equipped with high intensity white lights, the applicant shall provide the city with certification from the FCC of EA approval.

7. Building Codes: Safety Standards

(a) After receiving the appropriate zoning approval, no tower, antenna, or other appurtenance shall be installed without first obtaining a building permit issued by the city.

(b) To ensure the structural integrity of towers, the owner of a tower shall ensure that the tower is constructed and maintained in compliance with standards contained in applicable local building codes ("Uniform Building Codes, UBC") and applicable standards for towers, published by the Electronics Industries Association Standard 222, ("EIA-222") "Structural Standards for Steel Antenna towers and Antenna Support Structures."

(c) A tower inspection report (based upon applicable UBC and EIA-222 standards) shall be prepared by an engineer licensed in the State of Texas and filed with the city in accordance to the following schedule: a) monopoles—at least once every ten (10) years; b) lattice towers—at least once every (5) years; and c) guyed towers—at least once every three (3) years. However, the city may require an immediate inspection should an issue of safety be raised.

(d) If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards, unless the applicant can demonstrate a hardship and thus establish the need for additional time. If the

owner fails to bring such tower into compliance within said thirty (30) days, the city may remove such tower at the owner's expense.

8. Height[.] The requirements set forth in Principle [Principal] Use section shall govern the location and heights of towers. Zoning variances and permits for tower proposals within the district but outside of the specific use parameters may be applied for through the Planning and Zoning Commission.

9. Mounted Antennas

(a) Roof-mounted, non-whip type, telecommunications antennas shall not exceed the height of the building by more than twelve (12) feet and may be required to be screened from view from any adjacent public roadway.

(b) Roof-mounted, whip-type, telecommunications antennas shall not exceed the height of the building by more than fifteen (15) feet and shall be located no closer than 15 feet to the perimeter of the building.

(c) Building-mounted, non-whip type, telecommunications antennas shall be mounted flush with the exterior of the building so that the antennas project no more than twenty-four (24) inches from the surface of the building to which it is attached, that a minimum clearance distance of fifteen (15) feet is maintained from the ground to the lowest element of the antenna and that the antenna shall be of a texture and color so as to blend with the surrounding surface of the building.

(d) Utility structure-mounted antennas shall not exceed more than twelve (12) feet the maximum height of the utility structure. These utility structures shall include: electric power transmission structures, light stanchions, and other like structures.

10. Freestanding Towers[.] For freestanding towers, structurally designed to accommodate shared users, the following height and usage criteria shall apply:

(a) for three users, up to one-hundred-twenty (120) feet in height;

(b) for four or more users, up to one-hundred-fifty (150) feet in height.

11. Monopole Installation[.] The maximum diameter of a monopole tower at the base shall not exceed forty-eight (48") inches. No microwave dish or similar device shall be mounted on the pole portion of a monopole telecommunications tower. The platform portion of a monopole telecommunications tower shall not have a horizontal cross section area greater than 196 square feet. The depth of the platform shall not exceed 4 feet, excluding any whip antenna. Only antennas that are part of a telecommunications system authorized by the FCC shall be permitted on a platform

12. Setbacks

- (a) Retail, Commercial, or Airport Facility Towers shall be a minimum of 200' or 2:1 height to distance ratio, whichever is greater, from the property line of properties used for residential purposes.
- (b) Mounted antennas attached to existing structures (e.g., bell towers, church steeples, stadium lighting, electrical transmission towers, clock towers, and similar structures) are exempt from the minimum residential setback and distance/height ratio regulations.
- (c) Towers shall be located in such a manner that if the structure should fall along its longest dimension, it will remain within property boundaries and avoid habitable structures, public streets, utility lines and other telecommunication towers.
- (d) All guys and guy anchors shall be set back a minimum of 20 feet from any property line.
- (e) No tower shall be located in front of the building facade facing any street, or be located within any required setback.

13. Landscaping and Screening[.] The following requirements shall govern the landscaping surrounding towers; however, in locations where the visual impact of the tower would be minimal, the Planning and Zoning Commission may adjust the landscaping requirement.

- (a) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. All tree removals shall be indicated within the variance or permit application along with a replacement proposal for each tree removed.
- (b) Tower facilities (e.g., tower/antennas and any necessary equipment building) shall be enclosed by an eight (8) foot, solid screening fence or masonry wall or a wrought iron fence with an eight (8) foot evergreen hedge, and shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from any public roadway or any property used for a residential purpose. Any fence constructed in accordance with this section shall provide a Knox box or other entry device for public safety access per the requirements of the Fire Marshal.
- (c) Where abutting residentially used land, residentially zoned property, public land or public streets, or land designated as low or medium density residential on the city's Land Use Plan, the applicant shall provide a screening

plan showing the existing tree coverage of the impacted area and the placement of plantings.

14. Principal or Accessory Use

(a) Antennas and towers may be considered either principal or accessory uses. A different existing user or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) Equipment structures shall be of minimum size to house transmitting/receiving equipment and shall not be utilized for offices, vehicle storage, or for any other use other than for transmitting and receiving transmissions. No outside storage shall be permitted on the site.

(c) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, and textures that will comply with the materials permitted by the underlying zoning district and shall blend with the natural setting and any existing structures on the site, or the equipment building shall be contained entirely within a main building on the property, or the equipment building shall be housed in an underground vault.

(d) The necessary equipment building shall not exceed 10 feet in height (measured from grade) nor 180 square feet in total area.

(e) No more than three (3) separate equipment buildings shall be located on a single lot.

15. Maintenance and Parking

(a) Equipment shall be automated to the greatest extent possible to reduce traffic and congestion.

(b) Providers shall anticipate the maintenance needs of landscaping, sprinkler systems, and access roads.

(c) All structures shall be maintained free from graffiti.

(d) One (1) all weather surface parking space shall be provided on each site. The required parking space need not be reserved exclusively for use by the antenna installation and may be one of the spaces provided for the principal use on the property. No off-street loading space shall be required.

16. Other Conditions of Approval

(a) Documentation of FAA approval shall be provided when towers are near public airports or flight paths.

(b) The applicant shall provide the city with a certificate of insurance, issued by an insurance company licensed to do business in the state of Texas indicating that the applicant carries comprehensive general liability insurance with limits of liability thereunder of not less than: bodily injury: \$500,000 for injury to any one person and \$1,000,000 for all injuries sustained by more than one person in any occurrence; property damage: \$1,000,000 for damage as a result of any one accident. The applicant shall provide the city with a renewal certificate within ten (10) business days of each renewal. Any insurance required to be provided by the applicant herein may be provided by a blanket insurance policy covering this property and other locations occupied by the applicant, provided such blanket insurance policy complies with all of the other requirements as to the type and amount of insurance required. The applicant may also fulfill the requirements under this section through a program of self-insurance, subject to approval by the city, which approval shall not be unreasonably withheld. If the applicant elects to self-insure, then the applicant shall furnish the city with a letter stating that there is a self-insurance program in effect that provides for the same, or greater, coverage than required of the applicant herein. The applicant agrees to furnish the city with certificate of insurance certifying that the applicant has in force and effect the above specific insurance. The certificate and renewal certificates shall provide that insurance shall not be canceled or changed unless 30 days' prior written notice is given to the city.

(c) Each wire or wireless communications infrastructure provider (backhaul provider) shall be identified and have all necessary franchises, permits, and certificates. The identity of other providers who co-locate to the site and their backhaul providers shall be provided as well.

(d) No lettering, symbols, images, or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on, or affixed to, any part of a telecommunications tower, platform, antenna or ancillary structure.

(e) All construction shall comply with all ordinances of the city that are not in conflict with this section.

(f) In addition to the usual application fees for rezoning or special exception requests specific use permits, the applicant shall reimburse the actual cost of professional services, provided by an engineer or other professional, that may be required to review the application and provide expertise.

(g) If power supplied to-from the facility contains lethal voltages, signs shall be openly posted at all lethal access points, and every 20' on any exterior

fencing or wall. An example of a proper warning is “Danger High Voltage.” The operator shall also post “No Trespassing” signs.

17. Abandonment[.] The owner of a tower and/or related telecommunications facilities shall notify the city when the tower or other structures have ceased operating as part of a telecommunications system authorized by the FCC. Within six (6) months of the date the tower ceases to operate as part of an authorized telecommunications system, the tower must either be recommissioned or removed from the site. In the case of recommissioning, a certificate of occupancy must be obtained to allow another permitted use of the tower. If within six (6) months, the owner fails to remove the tower or obtain proper authorization for the use of the tower, the city shall revoke the certificate of occupancy for the tower and notify the city attorney to pursue enforcement remedies.

Tower owner(s) shall bear all demolition and disposal costs.

18. Signal Reception Interference[.] Any signal interference complaints associated with telecommunications towers or related equipment shall be addressed in accordance with FCC rules and procedures. All co-located single or multiple transmitters shall have sufficient isolators included in their design proposal to prevent interference by intermodulation.

19. Variances[.] At the time of review of any required Concept Plan, the Planning and Zoning Commission may grant variances to the development standards set forth in this Section. To receive a variance, the applicant must demonstrate the following:

(a) A variance will reduce the impact of the project on surrounding residential properties;

(b) Compliance with this ordinance would impair the architectural design or creativity of the project; or

(c) A variance is necessary to assure compatibility with surrounding developed properties.

(d) In order to grant a variance, the City Council must determine that a literal enforcement of the regulations will create an unnecessary hardship or a practical difficulty for the applicant; that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self imposed; that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties; and that the granting of the variance will be in harmony with the spirit and purpose of this ordinance.

(e) If a variance application is denied by the City Council, no other variance of like kind relating to the same project or proposed project shall be considered

or acted upon by the City Council for a period of six (6) months subsequent to the denial.

(Ordinance 0103-04 adopted 1/26/04)