

ARTICLE 11 - WIRELESS COMMUNICATION

SECTION 11-1. Wireless Communication System Regulations

1. *Definitions.* The following words and phrases when used in this Article shall have the meanings respectively ascribed to them in this Article:

(a) *Wireless communication system:* (Antenna support structures for mobile and land based telecommunication facilities.) Whip antennas, panel antennas, microwave dishes and receive-only satellite dishes, cell enhancers and related equipment for wireless transmission from a sender to one or more receivers, such as for mobile cellular telephones, mobile radio systems facilities, commercial mobile radio service and radio or television (commercial only) broadcasting towers and transmitting stations. This definition is inclusive of the placement of the above referenced equipment on a monopole tower, a steel lattice tower, guyed steel lattice tower and any communication tower which does or does not utilize guy wire support in addition to existing buildings or other independent support structures. This system shall also allow as one of its components an unmanned equipment shelter.

(b) *Antenna support structures:*

(i) *Monopole antenna structure:* A self-supporting pole type structure with no guy wire support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment for wireless telecommunication transmission.

(ii) *Lattice antenna structure:* A steel lattice, self-supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.

(iii) *Guyed lattice antenna structure:* A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.

(c) *Building or other independent support structure:* Buildings or other structures such as water towers, church steeples, utility poles and other creative locations.

(d) *Unmanned equipment building:* An accessory building housing electronic and communication equipment as an associated and permitted part of a wireless communication system.

2. *General requirements.*

(a) Wireless communication systems shall be an allowed use in the CA, LI and HI Districts and by specific use permit in the R, LC and HC Districts. Prior to filing a request for a building permit and/or a specific use permit, whichever is applicable, the following requirements must be met:

- (i) Antenna support structures shall be a minimum of two hundred (200) feet from all residential zoning districts, measured from the base of the antenna support structure to the nearest residential zoning district boundary.
- (ii) Roof-mounted antennas, including support structure, shall not extend higher than 15 feet above the peak of the roof, except a single vertical pole may extend up to 20 feet above the peak of the roof.
- (iii) Ground-mounted antennas, including support structure, shall not exceed 70 feet in height. The antenna or antenna support structure shall not be located in any required front yard setback or anywhere in the front yard between the principal building and the front setback.

3. *Additional Requirements.*

(a) *Tower Illumination.* Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or other applicable federal or state agencies.

4. *Shared sites.* The shared use of existing antenna support structures sites shall be preferred to the construction of new such facilities. The antenna support structures must be constructed to support a minimum of two antenna arrays from two separate wireless communication system providers or users. Annually, the Building Official shall secure a list of known communication system providers by advertisement in a newspaper of general circulation. The Building Official may add known wireless communication system providers to this list. The list shall remain valid for one calendar year. Prior to submission of any application, all applicants for antenna support structures shall comply with the following procedures:

(a) All wireless communication system applicants shall provide notice by mail to providers on the wireless communication system providers list with the following information: specifications of the proposed antenna support structure, its general location, its proposed height, and a phone number to locate the owner of the antenna support structure. A copy of the notice shall be mailed to the Building Official's office. The notices shall invite potential wireless communication system providers to apply for space on the proposed antenna support structure.

(b) The applicant shall submit a report inventorying existing antenna support structures and antenna sites within a one-mile distance from the proposed site outlining opportunities for shared use as an alternative to the proposed one. In the case of co-location, the pro rata reimbursement to the initial applicant from the future provider shall not exceed fifty five (55) percent of the original cost for construction of the antenna support structure.

5. Wireless communication systems shall be a use permitted by right in all zoning districts if the land or structure is owned by the City of Big Spring.

(a) All antenna support structures or buildings or other independent support structures where antennas are proposed to be attached shall require a building permit. Antenna

support structures located in residential zoning districts shall be monopole design. The height of a monopole antenna support structure including antenna shall not exceed one hundred fifty (150) feet. Wireless communication systems shall not be allowed in City of Big Spring parks which contain five (5) acres or less.

(b) Antenna support structures shall be spaced from all residential zoning districts at a minimum of one hundred ten (110) percent of the height of the antenna support structure, measured from the base of the antenna support structure to the nearest residential zoning districts, except for antenna support structures located on land owned by the City of Big Spring within residential zoning districts, which shall be spaced a minimum of one hundred ten (110) percent of the height of the antenna support structure, measured from the base of the antenna support structure to all applicable property lines. This spacing requirement does not apply to antennas attached to buildings or independent support structures.

(c) The antenna array may be attached to buildings or independent support structures if:

- (i) The pole replaced or modified is a functioning utility pole utility pole or light standard within a utility easement or public right-of-way, recreational facility light pole, or antenna support structure; and
- (ii) The replaced or modified antenna support structure, including antenna array, does not exceed the height of the original utility, light standard, or recreational facility light pole by more than twelve (12) feet, or the height of the original telecommunication tower and antenna array; and
- (iii) The pole replaced with an antenna support structure does not obstruct a public sidewalk, public alley, or other right-of-way, and the pole appearance and function, except for the antenna, are not significantly altered; and
- (iv) The existing support structure is engineered to support the proposed antenna.

6. Radio and television antennas, limited to those used by the federal licensed amateur radio operators, unlicensed citizen band radio operators, and private citizens receiving television signals, including satellite dish antennas, shall be considered as permissible accessory uses in all zoning districts and shall be permitted in accordance with the regulations for detached accessory structures. Antenna support structures within nonresidential zoning districts shall comply with the height and setback requirements for the particular district.

(a) The height of the antenna support structure shall be the total maximum to which it is capable of being raised and shall be measured from the finished grade adjacent to the antenna or antenna support structure if ground mounted or from the peak of the roof if roof mounted.

(b) A building permit from the Building Official of the City of Big Spring shall be required for the installation of any roof-mounted antenna or antenna support structure over twelve (12) feet above the peak of the roof and any ground-mounted antenna or antenna support structure over twenty five (25) feet in height. A permit shall be issued

only when there is full compliance with this Section and the applicable provisions of the City of Big Spring building code. Applications for a permit shall be accompanied by the following in duplicate:

- (i) A complete set of construction documents showing the proposed method of installation.
- (ii) A copy of the manufacturers recommended installation instructions, if any.
- (iii) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines and all structures.
- (iv) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural requirements of the City of Big Spring building code.
- (v) All antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration) or any other federal or state agencies.

7. *Radio and Television.* In addition to the previously stated regulations, the following shall apply to radio and television antennas in residential districts:

- (a) Antennas or attached support structures may be roof or ground mounted, freestanding or supported by guy wires, buildings or other structures in compliance with the manufacturer's structural specifications. A ground-mounted antenna shall be any antenna with its support structure mounted directly in the ground, even if such an antenna is supported by or attached to the wall of a building.
- (b) The unmanned equipment buildings shall not exceed seven hundred fifty (750) square feet of gross floor area per building and shall not exceed twelve (12) feet in height.
- (c) A building permit from the Building Official of the City of Big Spring shall be required for the installation of any antenna support structures, antennas attached to buildings or other independent support structures and unmanned equipment buildings developed for a wireless communication system.

8. *Landscaping for wireless communication systems.* Landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the antenna support structure, and any other ground level features (such as a building). A combination of existing/native vegetation, natural topography, manmade features such as berms, walls, decorative fences and any other features can be used instead of landscaping if those features achieve the same degree of screening as the required landscaping.

9. *Setbacks for wireless communication systems.* Antenna support structures and unmanned equipment buildings shall meet the minimum building setback requirements for the zoning district in which they are located. Setbacks shall be measured from the base of the antenna support structure to all applicable property lines.

10. *Abandonment.* In the event the use of any wireless communication system, which would include any antenna support structure, has been discontinued for a period of one

hundred eighty (180) consecutive days, the antenna support structure shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Official, who shall have the right to request documentation and/or affidavits from the antenna support structure owner/operator regarding the issue of usage. Upon determination of abandonment, the owner/operator of the antenna support structure shall remove the antenna support structure within ninety (90) days of receipt of notice from the Building Official notifying the owner/operator of such abandonment. If such antenna support structure is not removed within said 90 days, the Building Official may cause such antenna support structure to be removed at the owner's expense. If there are two or more users of an antenna support structure, then this provision shall not become effective until all users cease using the antenna support structure.

SECTION 11-2 through 11-4. Reserved