

ORIGINAL

CITY OF LAREDO ORDINANCE NO. 97-0-081

AN ORDINANCE AMENDING SECTION 24.62.5 OF THE LAREDO LAND DEVELOPMENT CODE OF THE CITY OF LAREDO TO PROVIDE FOR COMMUNICATION TOWERS AND ANTENNAS; AMENDING SECTION 24.63.2 TO PROVIDE FOR ALLOWABLE ZONING DISTRICTS AND SPECIAL USE PERMITS FOR COMMUNICATION TOWERS AND ANTENNAS; AMENDING SECTION 24.65.13 TO DELETE PROVISIONS PROVIDING FOR RADIO AND TELEVISION ANTENNAS; CREATING SECTION 24.93.10 RELATING TO SPECIAL USE PERMITS FOR COMMUNICATION TOWERS AND ANTENNAS; AMENDING APPENDIX 'A' ESTABLISHING DEFINITIONS ACCORDINGLY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City of Laredo has received or expects to receive requests to site wireless communications towers and antennas within the municipal boundaries; and

WHEREAS, the City of Laredo finds that it is in the public interest to permit the siting of wireless communications towers and antennas within the municipal boundaries; and

WHEREAS, it is the intent of the City of Laredo to permit the siting of wireless communications towers and antennas within the municipal boundaries; and

WHEREAS, it is the intent of the City of Laredo to protect and promote the public health, safety and welfare by regulating the siting of wireless communications towers and antennas,

WHEREAS, Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities; and

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval**; and

WHEREAS, Conditional Use Permits heretofore issued for the purposes of communications towers and antennas are appropriately authorized through a Special Use Permit; and

NOW THEREFORE BE IT ORDAINED, by the City Council of Laredo, Texas:

Section 1. Section 24.62.5 of the Laredo Land Development Code is hereby amended as follows:

Section 24.62.5. Special Use Permits.

The City Council may grant a permit for the special uses listed before these special uses may be placed on certain property within the city limits of the City of Laredo. Any property owner desiring to establish one of the uses listed in on land which is not specifically zoned for that use, may apply to the Commission for a Special Use Permit which meets the requirement of this Section. The Special Use Permit must be approved by the Council. Such action does not change the zoning on the land, but establishes a permit for a specific use with an approved plan. Violations of the approved plan are violations of this ordinance and subject to the penalties contained herein. The Council shall execute the provisions of this Section for the protection of the health, safety, comfort, convenience, and welfare of the public. Decisions shall not be detrimental to the economic welfare of the community and will be consistent with the intent and purpose of this Ordinance and the Comprehensive Plan.

The following Special Use Permits are authorized:

- Manufactured Housing Parks and Recreation Camps
- Junk and Used Appliance Yards
- Petrochemical and Gas Extraction Facilities
- Flea Markets
- Electronic Displays
- Sexually Oriented Business
- Bars, Night Clubs, Cantinas, and Saloons in the Historic Districts within the Central Business District
- Mini-Storage/Warehouse Facilities
- Communication Towers and Antennas

Section 2. Section 24.63.2, Page IV-29 of the Laredo Land Development Code is hereby amended as follows:

Section 3. Section 24.65.13 of the Laredo Land Development Code is hereby amended as follows:

Section 24.65.13. B-3 Community Business District

(1) Trade or Business School: Provided that machinery which is used for instruction does not create noise, fumes, smoke, odor, vibration or does not involve welding or the use of heavy equipment outdoors.

~~(2) Radio or television on premise antenna dishes shall be screened by landscaping, or opaque fencing so that they cannot be seen from the public right of way. If adjacent to an R-District, relay and receiving antennas shall be less than 6 feet in diameter screened from view of the R District, and shall not exceed 35 feet above ground level in height with those in excess of 35 feet being subject to special use permit regulations. Transmitting and receiving antennas shall be setback one foot from a property line for every foot of height.~~

(32) Where the primary business is retail sale of hardware and remodeling supplies such as lumber, concrete, electrical fixtures, plumbing, heating or air-conditioning shops, wiring, masonry or tile, a free-standing structure shall not exceed 35,000 square feet in gross floor area.

(43) Sign painting shops shall be located in wholly enclosed buildings.

(54) Monument sales and service shops shall be located in enclosed buildings if adjacent to an R-District.

(65) Funeral homes and Chapels: shall be located at least one hundred (100) feet from any Residential District; must be screened from all adjacent less intensive uses; and must be located within three hundred (300) feet of a principal arterial street.

(76) Small animalveterinary clinics which include treatment, display, grooming, or boarding of small animals or pet shall be located not less than fifty (50) feet from any Residential District.

(87) Interior decorating, painting and paper hanging shops, furniture upholstery which do not include contractor yards and cabinetry fabrication.

(98) Recycling centers provided however that no recycling center shall be located within 100 feet of any residential district..

(109) Retail sale of used clothing and merchandise stores is permitted.

(110) Unless otherwise provided, all business, service or processing shall be conducted wholly within an enclosed building; the sale of automobile fuel, lubricants and fluids at service stations, is specifically permitted.

(121) Production For Retail on Premises Only: All products produced on the premises shall be primarily sold at retail on the premises where produced, except for the work of skilled craftsmen or artisans.

Section 4. Section 24.93.10 of the Laredo Land Development Code is established to read as follows:

Section 24.93.10. Communication Towers and Antennas

(a) Application Procedures

1. Application form: The application shall be made on a form approved by the Director of Planning, and shall include the following information:

a. The name, address, and telephone number of the applicant and the applicant's agent, if any. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality;

b. A deed and legal description of the property;

c. Verification of compliance with FCC, FAA regulations and, if applicable, any other federal or state agencies;

- d. A notarized statement by the applicant and a sealed set of plans by a qualified engineer, confirming the construction of the tower will accommodate collocation of additional antennas for future users;
- e. A safety report by a qualified structural engineer establishing the structural integrity of the tower;
- f. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer;
- g. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower;
- h. A description of the feasible location(s) of future towers or antennas within the City of Laredo based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected;
- i. The separation distance from other towers described in an inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s).

2. Site plan requirements. The site plan shall include the following information:

- a. The location, type and height of the proposed tower;
- b. On-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in this Section ;

- c. Adjacent roadways, proposed means of access, and parking;
- d. Setbacks from property lines;
- e. Elevation drawings of the proposed tower and any other structures;
- f. Topography;
- g. The setback distance between the proposed tower and the nearest residential districts as set forth in this Section.
- h. A landscape plan showing specific landscape materials proposed.
- i. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- j. Any additional information deemed by the Planning Director to be necessary to assess compliance with this ordinance.

(b) FACTORS TO BE CONSIDERED IN ISSUANCE OF SPECIAL USE PERMIT INCLUDE:

- 1. Prior to recommending the issuance of a Special Use Permit, the Planning and Zoning Commission shall make findings concerning the following:
 - a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower, with particular reference to design characteristics that have the effect of

reducing or eliminating visual obtrusiveness which may include fencing and screening;

g. Access;

h. Availability of existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

2. In granting a special use permit, the City Council may impose conditions deemed necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(c) DESIGN STANDARDS

(1) Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna, or

a. Existing towers or structures not are located within the geographic area which meet applicant's engineering requirements, or

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements, or

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

d. 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, or

e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable, or

g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.

(2) Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required.

a. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

b. Guys and accessory buildings must meet the minimum zoning district setback requirements.

(3) Separation from off-site uses/designated areas.

a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

b. Separation requirements for towers shall comply with the minimum standards established in TABLE 1.

TABLE 1

Off-site Zoning District	Separation Distance
RS (Residential Suburban District), R-1 (Single Family Residential District), R-1A (Single Family Reduced Area District), R-1MH (Single Family Manufactured), RSM (Residential Suburban Multi-Family District).	200 feet or 300% height of tower ² whichever is greater.
R-2 (Multi-Family District), R-3 (Mixed Residential District), R-O (Residential/Office District).	100 feet or 100% height of tower whichever is greater.
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

²Separation measured from base of tower.

4. Separation distances between towers.

a. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in TABLE 2.

TABLE 2

<u>Tower Types</u>	<u>Lattice</u>	<u>Guyed</u>	<u>Monopole 75 Ft in Height or Greater</u>	<u>Monopole Less Than 75 Ft in Height</u>
<u>Lattice</u>	<u>5000'</u>	<u>5000'</u>	<u>1500'</u>	<u>750'</u>
<u>Guyed</u>	<u>5000'</u>	<u>5000'</u>	<u>1500'</u>	<u>750'</u>
<u>Monopole 75 Ft in Height or Greater</u>	<u>1500'</u>	<u>1500'</u>	<u>1500'</u>	<u>750'</u>
<u>Monopole Less Than 75 Ft in Height</u>	<u>750'</u>	<u>750'</u>	<u>750'</u>	<u>750'</u>

(5) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

(6) Landscaping: Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

(7) Buildings or Other Equipment Storage.

a. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

1. A safety report from a structural engineer shall be provided establishing the structural integrity of the principal support structure.

2. Equipment storage buildings or cabinets shall comply with all applicable building codes.

b. Antennas Mounted on Utility Poles or Light Poles shall be subject to franchises as required by law. The equipment cabinet or structure used in association with these antennas shall be located within designated easements or within the public right-of-way as provided in the franchise agreement. In no way shall the equipment cabinet or structure interfere with pedestrian or vehicular circulation and visibility.

c. Antennas Located on Towers. The related unmanned equipment structure shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(d) REMOVAL OF ABANDONED ANTENNAS AND TOWERS.

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Laredo notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Section 5. Appendix 'A' of the Laredo Land Development Code is established to include the following definitions:

Alternative tower structure: shall mean any man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: shall mean any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

FAA: shall mean the Federal Aviation Administration.

FCC: shall mean the Federal Communications Commission.

Height: shall mean, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Communication Tower: shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Collocation: shall mean, when referring to a communication towers and antennas, the placing together of multiple antennas on a single communication tower or structure.

Section 6. This Ordinance shall be published in the manner provided by Section 2.09 (D) of the Charter of the City of Laredo, and shall become effective as and from the date of publication.

Section 7. Severability

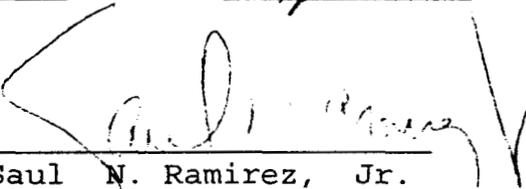
If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 8. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

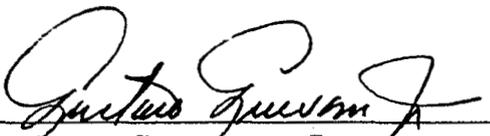
Section 9. Open Meetings

The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Article 6252-17, Texas Revised Civil Statutes Annotated; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

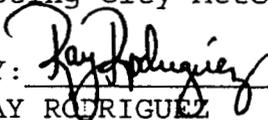
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE 7th DAY OF April, 1997.


Saul N. Ramirez, Jr.
Mayor

ATTEST:


Gustavo Guevara, Jr.
City Secretary

APPROVED AS TO FORM:
Jerry Bruce Cain
Acting City Attorney

BY: 
RAY RODRIGUEZ
ASSISTANT CITY ATTORNEY

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