

CITY OF DECATUR, TEXAS

Communications Ordinance



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City of Decatur

WIRELESS COMMUNICATION FACILITIES

1 ABOUT THIS DOCUMENT

1.1 The official name of this document is the “Decatur Wireless Communication Facilities Ordinance” although in this document it will just be called “this document” or “this ordinance”. It is part of the City’s official *Zoning Ordinance*.

1.2 The reason for this ordinance is to accomplish the purposes listed in the *Zoning Ordinance*. Another reason for this document is to protect the historic and small town character of Decatur while giving citizens adequate accessibility to new communications technologies. To do this, it allows telecommunication providers to cover the City while limiting the number and location of new towers.

2 DEFINITIONS

2.1 Some of the important words used in this document are listed below, followed by an explanation of what the words mean:

Antenna means a device used in communication which transmits or receives radio signals.

Collocation or collocate means the act of locating wireless communication equipment owned or used by more than one provider on a single *wireless communication facility*.

Designated historical area means a historical site and all of its property so designated by the *Zoning Ordinance* and the following locations: 1) The Waggoner Mansion, 2) Wise County Heritage Museum, 3) All property within the C-1A zoning district, and 4) All property fronting Main and Walnut streets from North to South US 81/287 Business.

Equipment storage building means a small, unmanned, single story building, typically less than 500 square feet, used to house radio transmitters and related equipment.

Height means the distance from grade to the top of the *wireless communication facility*.

Major facility means a *wireless communication facility* greater than 35 feet in *height*.

Minor facility means a *wireless communication facility* less

than 35 feet in *height*.

Monopole means a tower used to support communications equipment and composed of a single spire with no guy wires.

Stealth facility means a *wireless communication facility* that is virtually unidentifiable to the surrounding area, which although present is camouflaged to conceal the presence of telecommunications equipment. *Stealth facilities* may replicate or duplicate the construction of common structures, such as clock towers, church steeples or flagpoles, so that they blend into the surrounding environment. *Stealth facilities* are allowed in any zoning district.

Tower means any columnar or spire structure used to support communications equipment or *antennas*.

Wireless communication facility (WCF) means any structure, *monopole* or *tower* as defined herein, including all accessory equipment, used to support *antennas* and satellite *antennas*. By definition, WCF’s shall contain only one (1) *tower*.

2.2 Words not defined are to be interpreted according to the normally accepted meaning of the word or its customary usage.

3 ABOUT THE PROCESS

3.1 The City’s *Building Official* is responsible for interpreting, administering and enforcing this ordinance. If need be, the *Building Official* may designate others who are qualified to help in this process.

3.2 To make sure this ordinance is followed, all WCF’s being installed, altered or moved require a permit unless otherwise specified herein. The application, permit and fee requirements are as specified in the City’s most recently adopted *Building Code*.

4 ENFORCING THIS ORDINANCE

4.1 To make sure this ordinance is followed and to protect the City and its citizens, the *Building Official* will

require WCF's to be inspected, will revoke licenses or permits for violations, will issue fines for violations and will have illegal items removed.

4.2 Fines for violations will range from a \$50 minimum to a \$200 maximum and will be charged daily for each separate violation. Items imposing an immediate danger will be removed immediately without notification. WCF's abandoned or in need of maintenance will be removed within thirty days of notification by the *Building Official*. Failure to comply will result in the City removing the problem and placing a lien against the property covering all expenses.

4.3 To lessen violations, the City will not issue new WCF permits where illegal WCF's or violations exist.

5 ABOUT EXISTING WCF'S

5.1 After this ordinance is adopted, all WCF's not meeting the requirements of this ordinance are legal but nonconforming. As such, they are not required to conform unless they are abandoned, removed, moved or suffer damage in excess of 50% of their value.

Nonconforming WCF's are allowed to continue but cannot be expanded; however, service providers may *collocate* on existing nonconforming *major facilities* that are in a C-2 or M-1 zoning district.

6 RULES APPLYING TO ALL WCF'S

6.1 What follows is a list of rules regarding WCF's in the City of Decatur:

1. WCF's must not be placed in any easement without the express written permission of the holder of said easement.
2. WCF's must abide by all regulations of the *Zoning District* in which they are placed, such as use, height, setbacks and coverage.
3. WCF's locating in *designated historical areas* must be located so that they cannot be seen from said property or surrounding properties or must be a *stealth facility*.
4. WCF's must keep all lights below 20' except lighting that is specifically required by the *Federal Aviation Administration* (FAA) or the *Federal Communication Commission* (FCC).

5. WCF's must be in full compliance with all applicable FAA and FCC regulations as well as all Federal, State and City regulations. Applicants for *major facilities* must provide approval documents from FAA at time of submittal.

6. WCF's can only have signs that are in full compliance with the City's adopted *Sign Ordinance*.

7. All WCF's must have access and driveways built according to the City's *Construction Standards*.

7 RULES ABOUT MAJOR FACILITIES

7.1 What follows is a list of rules regarding *major facilities* in the City of Decatur:

1. *Major facilities* are only allowed in the C-2 (Thoroughfare Business) and M-1 (Industrial Park) zoning districts. Service providers wishing to locate in zoning districts other than C-2 or M-1 must either use a *minor facility*, a *stealth facility* or *collocate* on an existing tower or a city water tower.
2. *Major facilities* must use *monopole* type towers.
3. *Major facilities* must not exceed 200 feet in *height*.
4. *Major facilities* must be setback from surrounding residential uses or zoning, churches, schools, *designated historical areas*, parks and other public institutions a distance equal to four times their *height*.
5. *Major facilities* must be setback from all zoning districts that are not C-2 or M-1 a distance equal to two times their *height*.
6. The minimum distance between *major facilities* must be two miles, including *major facilities* located outside the city limits or within the City's *Extra-Territorial Jurisdiction* (ETJ).
7. The maximum density of *major facilities* shall not exceed one (1) *major facility* per five (5) square miles of area within the City's jurisdiction, which includes the city limits and the ETJ.
8. *Major facilities* must be designed to allow a minimum of three telecommunication providers to *collocate* on said facility.
9. *Major facilities* and ground or cabinet equipment must be enclosed by a 6' minimum decorative, screening

fence with a locking gate. Continuous, evergreen shrubs must also be placed around the outside perimeter of said fence.

10. Any *equipment storage building* must be screened with a wall constructed of decorative masonry material or continuous, evergreen shrubs unless said structure resides within the required screening fence mentioned above.

8 RULES ABOUT MINOR FACILITIES

8.1 *Minor facilities* are allowed in all zoning districts with a permit and subject to the following restrictions.

1. *Minor facilities* less than 8' in height, without accessory equipment and not located within a *designated historical area* do not need a permit. (Note: Other permits may apply, check with the Building Official for clarification).
2. *Minor facilities* must not exceed 35 feet in height.
3. *Minor facilities* must be setback from surrounding residential uses or zoning, churches, schools, *designated historical areas*, parks and other public institutions a distance equal to their height, or they must be placed in the middle third of the lot, whichever is greater. The maximum setback required is 4 times the height of the tower while the minimum setback required is 35 feet. *Minor facilities* unable to meet the minimum setbacks will not be allowed.
4. All components of a *minor facility* including guy wires must meet the setbacks of the related zoning district.
5. Only one (1) *minor facility* is allowed per lot.
6. *Minor facilities* must be mounted on the ground and cannot be located on buildings or rooftops unless said facility is less than 8' in height, is not visible from surrounding properties or is a *stealth facility*.
7. *Minor facilities* mounted on the ground and cabinet or ground equipment must be enclosed by a 6' minimum decorative, screening fence or with continuous, evergreen shrubs.
8. Any related *equipment storage building* must be screened with a wall constructed of decorative

masonry material or continuous, evergreen shrubs unless said structure resides within the required screening fence mentioned above.

9 RULES APPLYING TO SATELLITES

9.1 Satellite receive-only *antennas* (SROA) may be installed in any zoning district without a permit and subject to the following restrictions. (Note: Other permits may apply, check with the Building Official for clarification).

1. SROA's located in a *designated historical area* require a permit.
2. SROA's must not exceed one (1) meter (3.2808 feet) in diameter in residential zoning districts and two (2) meters (6.5616) in diameter in nonresidential zoning districts. SROA's up to 10' in diameter are allowed in the C-2 and M-1 zoning district with a permit and subject to all of the restrictions given herein.
3. SROA's must not be placed above eave or rafter lines if attached to the building exterior.
4. SROA's must not be visible from surrounding properties if placed on rooftops.
5. SROA's must not exceed 6' in height.
6. Ground mounted satellites and related equipment must be enclosed by a 6' minimum decorative, screening fence or with continuous, evergreen shrubs.
7. Any related *equipment storage building* must be screened with a wall constructed of decorative masonry material or continuous, evergreen shrubs unless said structure resides within the required screening fence mentioned above.

10 EXEMPTIONS

10.1 WCF's installed by the City or other government entities and used for emergency purposes or for reasons of public health and safety are specifically exempted from this ordinance.