

ORDINANCE NO. 24-03-07-04

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 3.118 OF ARTICLE 3.100 AND ARTICLE 3.200 OF CHAPTER 3, AND SECTION 6.75 AND SECTION 19 OF CHAPTER 14 OF THE LAGO VISTA CODE OF ORDINANCES TO UPDATE REGULATIONS RELATED TO THE USE OF A RIGHT-OF-WAY OR EASEMENT AND THE REGULATION OF WIRELESS COMMUNICATION SYSTEM COMPONENTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established regulations related to use of a right-of-way or easement for improvements and during construction within both Chapter 3 and Chapter 14 of the Code of Ordinances, and

WHEREAS, the City Council of the City of Lago Vista has also previously established regulations related to wireless communication system components within both Chapter 3 and Chapter 14 of the Code of Ordinances, and

WHEREAS, both the staff and members of the Building and Standards Commission and the Planning and Zoning Commission of the City of Lago Vista had become aware of needed changes and a better organization of those requirements in order for those provisions to be more easily determined while yielding outcomes consistent with the expectations of residents; and

WHEREAS, the Building and Standards Commission has undertaken a review of existing regulations in Chapter 3 of the Code of Ordinances for consistency with provisions of Chapter 14 along with an evaluation of potential organizational improvements that continues after it was initiated beginning with their meeting on March 2, 2022; and

WHEREAS, the Planning and Zoning Commission has undertaken a review of existing regulations related to the use of a right-of-way or easement and regulation of wireless communication system components within Chapter 14 at a public hearing on February 8, 2024; and

WHEREAS, the Building and Standards Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend the requirements contained in Chapter 3 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend the requirements contained in Chapter 14 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council at its public hearing to consider this ordinance amendment held on March 7, 2024, reviewed the recommendation, and found the changes to be warranted.

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas does hereby amend Chapter 3 and Chapter 14 of the Lago Vista Code of Ordinances as shown in **Exhibit “A”** and **Exhibit “B.”**

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.013 of the *Texas Local Government Code*.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Texas Local Government Code*.

SECTION 7. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 7th day of March 2024.


Kevin Sullivan, Mayor

ATTEST:




Lucy Aldrich, City Secretary

On a motion by Councilor Roberts, seconded by Councilor Durbin, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.100 BUILDING CODES AND CONSTRUCTION REQUIREMENTS

Sec 3.118 Construction, Structures or Equipment in a Right-of-Way or Easement

This section regulates all activity of any type in the rights-of-way along public streets in the city.

- (a) No person, firm or corporation shall construct, erect or maintain any improvement, post, pillar, wall, fence, temporary building, toilet, equipment, driveway, parking apron, sign or other structure, or plant or maintain any hedge, tree, shrub, or other material, including construction materials, on the rights-of-way of any street, or any easement in the city unless permitted by the city manager or their designee or by a license agreement approved by the city council.
- (b) For the purposes of this section, vehicles used by construction personnel shall be considered construction equipment. Whenever the construction site or any prior approved staging area cannot accommodate all such vehicles, parking shall be limited to one side of the public right-of-way only. Subsequent construction personnel vehicles located on the opposite side of the right-of-way shall each be considered a separate occurrence that requires a re-inspection fee.
- (c) The location of cluster mailboxes or replacement mailboxes and supporting structures on the unpaved portion of any public right-of-way in the city shall be permitted, provided mailboxes and supporting structures shall be located not less than one foot (1') from the edge of the street pavement and has been approved by the USPS as compliant with postal regulations.
- (d) In addition to the penalty provisions of this article, the city may remove any of the structures, equipment, plants or other materials prohibited by this article and in so doing the city, its officers, agents, and employees shall not be liable to the owners thereof. Any expense incurred by the city for such removals will be charged to the property owner. The provisions of this section may not be applicable to structures constructed prior to January 18, 1996.
- (e) Whenever temporary provisions are required because of the inability of a construction site to accommodate required operations or equipment other than construction personnel vehicles, the express written permission of both the city engineer and building official shall be secured in advance.

- (f) Construction over Easements. Construction over easements is generally not allowed, although the city manager or their designee may permit this subject to prior written approval. However, it shall be fully understood and agreed that construction of any type over dedicated utility or drainage easements may have to be removed at the owner's expense should the use of such easements be required by the entity benefiting from the easement. Encroachment into a dedicated easement may also result in a requirement for the property owner to provide adequate drainage and/or dedicated easements in other locations.

ARTICLE 3.200 WIRELESS COMMUNICATION SYSTEMS

See Section 19 in Chapter 14 of the Lago Vista Code of Ordinances.

EXHIBIT "B"

CHAPTER 14

ZONING

6.75 Structures in a Right-Of-Way or Easement

See Section 3.118 in Article 3.100 of Chapter 3 of the Lago Vista Code of Ordinances.

19.10 General Requirements

Wireless Communications Systems shall be allowed in the following ~~zones~~ zoning districts, and on any property owned by a school, the City of Lago Vista, Travis County, or a fire department or emergency services district: C-1A, C-1C, C-2, C-3, U-1, P-1B, P-2, LI and G-1. Also see Section 19.40 below.

19.20 Requirements Prior to Filing for a Permit

Prior to filing a request for a building permit and, when applicable, a special use permit, the following requirements must be met:

- (a) Antenna support structures shall be 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.
- (b) The unmanned equipment buildings shall not exceed five hundred square feet of gross floor area per building and shall not exceed twelve (12) feet in overall height above the ground at the geometric center of the foundation.
- (c) The overall height of antenna support structures including the antenna shall not exceed one hundred and fifty (150) feet above the ground under the antennae. Buildings shall comply with all structure requirements of the zone in which they are installed.
- (d) A building permit from the City of Lago Vista shall be required for the installation of any antenna support structures that is taller than twenty-five (25) feet; antenna taller than twelve (12) feet that would be attached to buildings, or other independent support structures and unmanned equipment buildings developed for a wireless communication system. Applications for a permit shall be accompanied by the following in duplicate:
 - (1) A complete set of construction documents showing the proposed method of installation;

- (2) A copy of the manufacturer's recommended installation instructions, if any;
 - (3) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines, all structures and the distances from all residential zoning districts;
 - (4) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the requirements of the City of Lago Vista building code;
 - (5) Certification shall be submitted stating that all antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration) or other applicable Federal or State agencies.
- (e) A special use permit shall be required for the installation of any antenna support structures that would be more than twenty-five (25) feet above the ground, an antenna that is taller than twelve (12) feet that is attached to buildings or other independent support structures, and unmanned equipment buildings developed for a wireless communication system. Also see Section 18 and Table B of Chapter 14.

19.30 Shared Use of Antennas

The shared use of existing antenna support structures and approved antenna support structure sites shall be preferred to the construction of new such facilities. The antenna support structures must be constructed to support a minimum of two (2) antenna arrays from two (2) separate wireless communications system providers or users. The City shall maintain a list of known wireless communications providers who do or may desire to offer service in the area. Prior to certification 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 all 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 City code enforcement official. 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 one mile distance from the proposed site, outlining opportunities for shared use as an alternative to the proposed one. It is incumbent upon the applicant to co-locate or show cause why it cannot. In the case of co-location, the pro-rata reimbursement to the initial applicant from the future provider shall not exceed fifty-five percent (55%) of the original cost for construction of the antenna support structure.

19.40 Structures

Wireless Communication Systems shall be a use permitted by right in all zoning districts if the land and structure are owned by the City of Lago Vista and is used for public works or public safety purposes, or is owned by Travis County or a fire district and is used for public safety purposes. In addition, all structures shall comply with the following requirements:

- (a) All antenna support structures, or buildings, or other independent support structures where antenna are proposed to be attached, shall be monopole design. The height of a monopole antenna support structure including the antenna shall not exceed one hundred fifty (150) feet.
- (b) Antenna support structures shall be spaced from all residential zoning districts at a minimum of one hundred ten percent (110%) of the height of the antenna support structure, measured from the base of the antenna support structure to the nearest residential zoning districts; provided that antenna support structures located by the city on land owned by the City within residential zoning districts shall be spaced a minimum of one hundred ten percent (110%) of the height of the antenna support structure measured from the base of the antenna support structure to the closest applicable property lines.
- (c) Antenna may be attached to buildings or independent support structures, if:
 - (1) The pole replaced or modified is a functioning utility pole or light standard within a utility easement or public right-of-way, recreation facility light pole, or antenna support structure;
 - (2) The replaced or modified antenna support structure, including antenna array, does not exceed the height of the original utility, light standard, or recreation facility pole by more than twelve (12) feet, or the height of the original telecommunication tower and antenna array;
 - (3) The pole replaced with an antenna support structure does not obstruct a public sidewalk, public alley, or other right-of-way and pole appearance and function, except for antenna, are not significantly altered; and
 - (4) The existing support structure is engineered to support the proposed antenna.
- (d) Radio and television antennas, limited to those used by the federal licensed amateur radio operators, unlicensed citizens band radio operators, and private citizens receiving television signals, including satellite dish antennae 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 districts shall comply with the height and setback requirements for the particular district, ~~and~~ in which the structure is located, except that all antennae and their support structure that measure more than 25 feet in height as described below shall require a special use permit (SUP) approval prior to permitting.
- (e) Height Measurement. The height of an antenna support structure shall be the total maximum to which it is capable of being raised and shall be measured from the finished grade below the antenna or antenna support structure.
- (f) Permitting. A permit shall be issued only when there is full compliance with this section and the applicable provisions of the City of Lago Vista Building Code and Zoning Ordinance. Applications for a permit shall be accompanied by the following in a digital (electronic) format:
 - (1) A complete set of construction documents showing the proposed method of installation;
 - (2) A copy of the manufacturers recommended installation instructions, if any;
 - (3) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines and all structures;

- (4) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural and all other requirements of the City of Lago Vista building code; and
 - (5) 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 agency.
- (g) In addition to the previously stated regulations, the following shall apply to radio and television antennas in residential districts.
- (1) Antenna 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 base mounted directly in the ground even if such an antenna is supported or attached to the wall of a building.
 - (2) Roof-mounted antenna, including support structure, shall not extend higher than fifteen (15) feet above the peak of the roof; except a single vertical pole antenna may extend up to twenty (20) feet above the peak of the roof.
 - (3) Ground-mounted antenna, including support structure, shall not exceed the maximum height allowed for a roof-mounted antenna. 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.

19.50 Additional Requirements

The following additional requirements shall apply:

- (a) Tower Illumination. Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or any other Federal or State agency.
- (b) Radiation Standards. Wireless Communication Systems shall comply with current Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NIER). The applicant shall submit verification that the proposed site plan ensures compliance with these standards.
- (c) Fencing for Wireless Communication Systems. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on a building or other independent support structure. The fence shall not be less than eight (8) feet in height measured from finished grade. Access to the antenna support structure shall be through a locked gate.
- (d) 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.

- (e) 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.
- (f) Maintenance of Structures. All tower structures, guy wires, fences, poles and equipment buildings shall be kept in good structural condition, and any painted structures shall be repainted as necessary to prevent rust and weathering.
- (g) Abandonment. In the event the use of any Wireless Communication System is 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 or Development Services Director 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 or Development Services Director notifying the Owner/Operator of such abandonment. If such support structure is not removed in said ninety (90) days, the City Manager or their designee may cause such antenna support structure to be removed and a lien placed on the property for the cost of such removal. This provision shall not become effective until all users cease using the antenna support structure.

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.100 BUILDING CODES AND CONSTRUCTION REQUIREMENTS

Sec 3.118 Construction, Structures ~~And/or or~~ Equipment ~~In Rights-Of-Way in a Right-of-Way or Easement~~

This section regulates all activity of any type in the rights-of-way along public streets in the city.

- (a) No person, firm or corporation shall construct, erect or maintain any **improvement**, post, pillar, wall, fence, temporary building, toilet, equipment, driveway, **parking apron**, sign or other structure, or plant or maintain any hedge, tree, shrub, or other material, including construction materials, on the rights-of-way of any street, or any easement in the city unless permitted by the city manager or ~~his~~ their designee or by a license agreement approved by the city council. ~~For the purposes of this section, vehicles used by construction personnel shall be considered construction equipment. Whenever the construction site or any prior approved staging area cannot accommodate all such vehicles, parking shall be limited to one side of the public right of way only. Subsequent construction personnel vehicles located on the opposite side of the right of way shall each be considered a separate occurrence that requires a re-inspection fee.~~
- (b) ~~The location of cluster mailboxes or replacement mailboxes and supporting structures on the unpaved portion of any street right of way in the city shall be approved by the city, provided mailboxes and supporting structures shall be located not less than one foot (1') from the edge of the street pavement and meet postal regulations.~~ For the purposes of this section, vehicles used by construction personnel shall be considered construction equipment. Whenever the construction site or any prior approved staging area cannot accommodate all such vehicles, parking shall be limited to one side of the public right-of-way only. Subsequent construction personnel vehicles located on the opposite side of the right-of-way shall each be considered a separate occurrence that requires a re-inspection fee.
- (c) ~~As a general rule, no retaining walls, corner posts, light supports, pillars, driveway markers and etc. will be constructed or erected nearer than five feet (5') from the pavement edge.~~ The location of cluster mailboxes or replacement mailboxes and supporting structures on the unpaved portion of any public right-of-way in the city shall be permitted, provided mailboxes and supporting structures shall be located not less than one foot (1') from the edge of the street pavement and has been approved by the USPS as compliant with postal regulations.
- (d) In addition to the penalty provisions of this article, the city may remove any of the structures, equipment, plants or other materials prohibited by this article and in so doing the city, its officers, agents, and employees shall not be liable to the owners thereof. Any expense incurred by the city for such removals will be charged to the property owner. The provisions of this section may not be applicable to structures constructed prior to January 18, 1996.

- (e) Whenever temporary provisions are required because of the inability of a construction site to accommodate required operations or equipment other than construction personnel vehicles, the express written permission of both the city engineer and building official shall be secured in advance.
- (f) Construction over Easements. Construction over easements is generally not allowed, although the city manager or their designee may permit this subject to prior written approval. However, it shall be fully understood and agreed that construction of any type over dedicated utility or drainage easements may have to be removed at the owner's expense should the use of such easements be required by the entity benefiting from the easement. Encroachment into a dedicated easement may also result in a requirement for the property owner to provide adequate drainage and/or dedicated easements in other locations.

ARTICLE 3.200 WIRELESS COMMUNICATION SYSTEMS

See Section 19 in Chapter 14 of the Lago Vista Code of Ordinances.

~~This section prescribes the requirements for a wireless communications system.~~

- ~~(a) Wireless Communications Systems shall be allowed in the following zones: C1, C1c, C2, (C4), C5, U1**, P1b, P2, G1.~~

~~(*WCS located in C4 will be referred by the permitting authority to the Lago Vista Airport Property Owners Association. That group's recommendation will be considered as part of the approval process.)~~

~~(**Excluding School Property)~~

~~Prior to filing a request for a building permit and, when applicable, a special use permit, the following requirements must be met:~~

- ~~(1) Antenna support structures shall be 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.~~
- ~~(2) The unmanned equipment buildings shall not exceed five hundred square feet of gross floor area per building and shall not exceed twelve (12) feet in overall height.~~
- ~~(3) The overall height of antenna support structures including the antenna shall not exceed one hundred and fifty (150) feet. Buildings shall comply with all structure requirements of the zone in which they are installed.~~
- ~~(4) A building permit from the City of Lago Vista shall be required for the installation of any antenna support structures above twenty five (25) feet, antenna above twelve (12) feet attached to buildings, or other independent support structures and unmanned equipment buildings developed for a wireless communication system. Applications for a permit shall be accompanied by the following in duplicate:~~
 - ~~(A) A complete set of construction documents showing the proposed method of installation.~~

- ~~(B) — A copy of the manufacturer’s recommended installation instructions, if any.~~
 - ~~(C) — A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines, all structures and the distances from all residential zoning districts.~~
 - ~~(D) — Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the requirements of the City of Lago Vista Building Code.~~
 - ~~(E) — Certification shall be submitted stating that all antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration) or other applicable federal or state agencies.~~
- ~~(5) — A special use permit shall be required for the installation of any antenna support structures above twenty five (25) feet, antenna above twelve (12) feet attached to buildings, or other independent support structures and unmanned equipment buildings developed for a wireless communication system.~~
- ~~(b) — The shared use of existing antenna support structures and approved antenna support structure sites shall be preferred to the construction of new such facilities. The antenna support structures must be constructed to support a minimum of two (2) antenna arrays from two (2) separate wireless communications system providers or users. The city shall maintain a list of known wireless communications providers who do or may desire to offer service in the area. Prior to certification of any application, all applicants for antenna support structures shall comply with the following procedures:~~
- ~~(1) — All wireless communication system applicants shall provide notice by mail to all 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 city code enforcement director. The notices shall invite potential wireless communication system providers to apply for space on the proposed antenna support structure.~~
 - ~~(2) — The applicant shall submit a report inventorying existing antenna support structures and antenna sites within one mile distance from the proposed site, outlining opportunities for shared use as an alternative to the proposed one. It is incumbent upon the applicant to co-locate or show cause why it can not. In the case of co-location, the pro rata reimbursement to the initial applicant from the future provider shall not exceed fifty five (55%) of the original cost for construction of the antenna support structure.~~
- ~~(c) — Wireless communication systems shall be a use permitted by right in all zoning districts if the land and structure are owned by the City of Lago Vista.~~
- ~~(1) — All antenna support structures, or buildings, or other independent support structures where antenna are proposed to be attached, shall be monopole design. The height of a monopole antenna support structure including the antenna, shall not exceed one hundred fifty (150) feet.~~

- ~~(2) Antenna support structures shall be spaced from all residential zoning districts at a minimum of one hundred ten percent (110%) of the height of the antenna support structure, measured from the base of the antenna support structure to the nearest residential zoning districts; provided that antenna support structures located by the city on land owned by the city within residential zoning districts shall be spaced a minimum of one hundred ten percent (110%) of the height of the antenna support structure measured from the base of the antenna support structure to the closest applicable property lines.~~
- ~~(3) Antenna may be attached to buildings or independent support structures, if:~~
- ~~(A) The pole replaced or modified is a functioning utility pole or light standard within a utility easement or public right-of-way, recreation facility light pole, or antenna support structure; and~~
 - ~~(B) The replaced or modified antenna support structure, including antenna array, does not exceed the height of the original utility, light standard, or recreation facility pole by more than twelve (12) feet, or the height of the original telecommunication tower and antenna array; and~~
 - ~~(C) The pole replaced with an antenna support structure does not obstruct a public sidewalk, public alley, or other right-of-way and pole appearance and function, except for antenna, are not significantly altered; and~~
 - ~~(D) The existing support structure is engineered to support the proposed antenna.~~
- ~~(d) Radio and television antennas, limited to those used by the federal licensed amateur radio operators, unlicensed citizens band radio operators, and private citizens receiving television signals, including satellite dish antennae 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 districts shall comply with the height and setback requirements for the particular district, and:~~
- ~~(1) The height of an 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 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 Lago Vista Building Code and Zoning ordinance. Applications for a permit shall be accompanied by the following, in duplicate:~~
 - ~~(A) A complete set of construction documents showing the proposed method of installation.~~
 - ~~(B) A copy of the manufacturers recommended installation instructions, if any.~~
 - ~~(C) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines and all structures.~~
 - ~~(D) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural and all other requirements of the City of Lago Vista building code.~~

~~(E) 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 agency.~~

~~(e) In addition to the previously stated regulations, the following shall apply to radio and television antennas in residential districts:~~

~~(1) Antenna may be roof or ground mounted, free standing 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 base mounted directly in the ground even if such an antenna is supported or attached to the wall of a building.~~

~~(2) Roof mounted antenna, including support structure, shall not extend higher than fifteen (15) feet above the peak of the roof; except a single vertical pole antenna may extend up to twenty (20) feet above the peak of the roof.~~

~~(3) Ground mounted antenna, including support structure, shall not exceed the maximum height allowed for a roof mounted antenna. 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.~~

~~(f) Additional Requirements:~~

~~(1) Tower Illumination. Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or any other federal or state agency.¹~~

~~(2) Radiation Standards. Wireless communication systems shall comply with current Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NEIR). The applicant shall submit verification that the proposed site plan ensures compliance with these standards.~~

~~(3) Fencing for Wireless Communication Systems. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on a building or other independent support structure. The fence shall not be less than eight (8) feet in height measured from finished grade. Access to the antenna support structure shall be through a locked gate.~~

~~(4) 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.~~

~~(5) 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.~~

~~(6) Maintenance of Structures. All tower structures, guy wires, fences, poles and equipment buildings shall be kept in good structural condition, and any painted structures shall be repainted as necessary to prevent rust and weathering.~~

~~(7) Abandonment. In the event the use of any Wireless Communication System is 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 support structure is not removed within said ninety (90) days, the building official may cause such antenna support structure to be removed at the owners 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.~~

~~*****~~

CHAPTER 14

ZONING

6.75 Structures ~~In The in a City's Right-Of-Way or Easement~~

~~No part of any structure shall intrude upon the City's right of way, unless approved by license agreement. Mailboxes may be placed in the City's right of way in accordance with the City's Building Code so long as the stand or stanchion upon which the mailbox is placed is on a permanent support installed in the ground and meets the standards of the U.S. Postal Service, and is setback from the pavement by at least one foot. See Section 3.118 in Article 3.100 of Chapter 3 of the Lago Vista Code of Ordinances.~~

19.10 General Requirements

Wireless Communications Systems shall be allowed in the following ~~zones zoning districts~~, and on any property owned by a school, the City of Lago Vista, Travis County, or a fire department or emergency services district: C-1A, C-1C, C-2, C-63, U-1 ~~(excluding school property)~~, P-1B, P-2, LI and G-1. ~~Wireless communications systems located in C-4 will be referred by the permitting authority to the Lago Vista Airport Property Owners Association. (That group's recommendation will be considered as part of the approval process).~~ Also see Section 19.40 below.

19.20 Requirements Prior ~~To to Filing For A for a Permit~~

Prior to filing a request for a building permit and, when applicable, a special use permit, the following requirements must be met:

- (a) Antenna support structures shall be 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.
- (b) The unmanned equipment buildings shall not exceed five hundred square feet of gross floor area per building and shall not exceed twelve (12) feet in overall height above the ground at the geometric center of the foundation.
- (c) The overall height of antenna support structures including the antenna shall not exceed one hundred and fifty (150) feet above the ground under the antennae. Buildings shall comply with all structure requirements of the zone in which they are installed.
- (d) A building permit from the City of Lago Vista shall be required for the installation of any antenna support structures that is taller than twenty-five (25) feet; antenna taller than twelve (12) feet that would be attached to buildings, or other independent support structures and unmanned equipment buildings developed for a wireless communication system. Applications for a permit shall be accompanied by the following in duplicate:

- (1) A complete set of construction documents showing the proposed method of installation;
 - (2) A copy of the manufacturer's recommended installation instructions, if any;
 - (3) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines, all structures and the distances from all residential zoning districts;
 - (4) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the requirements of the City of Lago Vista building code;
 - (5) Certification shall be submitted stating that all antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration) or other applicable Federal or State agencies.
- (e) A special use permit shall be required for the installation of any antenna support structures that would be more than twenty-five (25) feet above the ground, an antenna that is taller than twelve (12) feet that is attached to buildings or other independent support structures, and unmanned equipment buildings developed for a wireless communication system. **Also see Section 18 and Table B of Chapter 14.**

19.30 Shared Use ~~Of~~ of Antennas

The shared use of existing antenna support structures and approved antenna support structure sites shall be preferred to the construction of new such facilities. The antenna support structures must be constructed to support a minimum of two (2) antenna arrays from two (2) separate wireless communications system providers or users. The City shall maintain a list of known wireless communications providers who do or may desire to offer service in the area. Prior to certification 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 all 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 City code enforcement ~~director~~ official. 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 one mile distance from the proposed site, outlining opportunities for shared use as an alternative to the proposed one. It is incumbent upon the applicant to co-locate or show cause why it cannot. In the case of co-location, the pro-rata reimbursement to the initial applicant from the future provider shall not exceed fifty-five percent (55%) of the original cost for construction of the antenna support structure.

19.40 Structures

Wireless Communication Systems shall be a use permitted by right in all zoning districts if the land and structure are owned by the City of Lago Vista **and is used for public works or public safety purposes, or is owned by Travis County or a fire district and is used for public safety purposes.** In addition, all structures shall comply with the following requirements:

- (a) All antenna support structures, or buildings, or other independent support structures where antenna are proposed to be attached, shall be monopole design. The height of a monopole antenna support structure including the antenna shall not exceed one hundred fifty (150) feet.
- (b) Antenna support structures shall be spaced from all residential zoning districts at a minimum of one hundred ten percent (110%) of the height of the antenna support structure, measured from the base of the antenna support structure to the nearest residential zoning districts; provided that antenna support structures located by the city on land owned by the City within residential zoning districts shall be spaced a minimum of one hundred ten percent (110%) of the height of the antenna support structure measured from the base of the antenna support structure to the closest applicable property lines.
- (c) Antenna may be attached to buildings or independent support structures, if:
 - (1) The pole replaced or modified is a functioning utility pole or light standard within a utility easement or public right-of-way, recreation facility light pole, or antenna support structure; **and**
 - (2) The replaced or modified antenna support structure, including antenna array, does not exceed the height of the original utility, light standard, or recreation facility pole by more than twelve (12) feet, or the height of the original telecommunication tower and antenna array; **and**
 - (3) The pole replaced with an antenna support structure does not obstruct a public sidewalk, public alley, or other right-of-way and pole appearance and function, except for antenna, are not significantly altered; and
 - (4) The existing support structure is engineered to support the proposed antenna.
- (d) Radio and television antennas, limited to those used by the federal licensed amateur radio operators, unlicensed citizens band radio operators, and private citizens receiving television signals, including satellite dish antennae 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 districts shall comply with the height and setback requirements for the particular district, ~~and: in which the structure is located, except that all antennae and their support structure that measure more than 25 feet in height as described below shall require a special use permit (SUP) approval prior to permitting.~~
 - ~~(1) The height of an 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 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 Lago Vista Building Code and Zoning Ordinance. Applications for a permit shall be accompanied by the following, in duplicate.~~
- (e) Height Measurement. The height of an antenna support structure shall be the total maximum to which it is capable of being raised and shall be measured from the finished grade below the antenna or antenna support structure.

(f) Permitting. A permit shall be issued only when there is full compliance with this section and the applicable provisions of the City of Lago Vista Building Code and Zoning Ordinance. Applications for a permit shall be accompanied by the following in a digital (electronic) format:

(A1) A complete set of construction documents showing the proposed method of installation;

(B2) A copy of the manufacturers recommended installation instructions, if any;

(C3) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines and all structures;

(D4) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural and all other requirements of the City of Lago Vista building code; and

(E5) 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 agency.

~~(2) In addition to the previously stated regulations, the following shall apply to radio and television antennas in residential districts:~~

(g) In addition to the previously stated regulations, the following shall apply to radio and television antennas in residential districts.

(A1) Antenna 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 base mounted directly in the ground even if such an antenna is supported or attached to the wall of a building.

(B2) Roof-mounted antenna, including support structure, shall not extend higher than fifteen (15) feet above the peak of the roof; except a single vertical pole antenna may extend up to twenty (20) feet above the peak of the roof.

(C3) Ground-mounted antenna, including support structure, shall not exceed the maximum height allowed for a roof-mounted antenna. 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.

19.50 Additional Requirements

The following additional requirements shall apply:

(a) Tower Illumination. Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or any other Federal or State agency.

(b) Radiation Standards. Wireless Communication Systems shall comply with current Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NIER). The applicant shall submit verification that the proposed site plan ensures compliance with these standards.

- (c) Fencing for Wireless Communication Systems. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on a building or other independent support structure. The fence shall not be less than eight (8) feet in height measured from finished grade. Access to the antenna support structure shall be through a locked gate.
- (d) 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.
- (e) 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.
- (f) Maintenance of Structures. All tower structures, guy wires, fences, poles and equipment buildings shall be kept in good structural condition, and any painted structures shall be repainted as necessary to prevent rust and weathering.
- (g) Abandonment. In the event the use of any Wireless Communication System is 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 or Development Services Director 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 or Development Services Director notifying the Owner/Operator of such abandonment. If such support structure is not removed in said ninety (90) days, the City Manager or ~~his~~ their designee may cause such antenna support structure to be removed and a lien placed on the property for the cost of such removal. This provision shall not become effective until all users cease using the antenna support structure.
