

ORDINANCE NO. 5841

AN ORDINANCE AMENDING SECTION 10 OF ORDINANCE NO. 4647; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Section 10 of Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas is hereby amended by adding a new subsection 10-313 to read as follows:

*10-313 Licensed Amateur Communications

The provisions of this section apply only to antennas and antenna support structures used in licensed amateur communications. The provisions of this section shall control in the event of a conflict with Section 10-306. If the communication facilities do not comply with the applicable district development standards and the following regulations, then a Specific Use Permit shall be required.

10-313.1. Definitions

For the purposes of this section and notwithstanding any conflicting definition contained in Section 38:

"Antenna" means "private antenna" for purposes of determining allowed uses under the Schedule of Uses in Section 10-200.

"Antenna support structure" means a structure, such as a mast, tower or pole, that is placed, erected or constructed to support one or more antennas for the purpose of engaging in licensed amateur communications. Buildings and associated roof mounted equipment shall not be considered as antenna support structures.

"Licensed amateur communications" means amateur radio operations, also known as the amateur radio service, as regulated and licensed by the Federal Communications Commission pursuant to 47 C.F.R. Part 97; and

"Compelling communications need" means a need for relief based upon the inability of the applicant to obtain reasonable communications goals due to engineering or technical limitations or physical characteristics, such as trees, buildings, or structures located on the subject and adjacent

properties that obstruct or significantly impede communications to and from the subject property.

10-313.2 Maximum Number of Antennas and Antenna Support Structures in Residential Districts

No more than two (2) antenna support structures for licensed amateur communications shall be allowed per lot of record in a residential district. Upon a showing of a compelling communications need, the Director of Planning may administratively approve additional antenna support structures.

10-313.3 Height

The maximum height for an antenna support structure in any district shall be eighty (80) feet. Upon a showing of a compelling communications need, the Director of Planning may administratively approve a maximum height of one hundred (100) feet. An antenna support structure that exceeds 100 feet in height shall be allowed only with the approval of a Specific Use Permit.

10-313.4 Antenna and Antenna Support Structure Standards

10-313.4.1 Number and Size

The number and size of antennas placed upon an antenna support structure used for licensed amateur communications shall be limited by the wind load requirements contained in the current version of the City's building codes or by the manufacturer's specifications for wind loading, whichever is more restrictive.

10-313.4.2 Setbacks

Front Yards: Antenna support structures (including guy wires, foundations, anchors, and other components of the structure) shall not be permitted in required front yards. The Director of Planning may administratively approve the location of guy wires in a required front yard if it is demonstrated that there is compelling communications need for such location or if there are limiting physical characteristics of the subject property that necessitate the location of guy wires in the front yard.

Side and Rear Yards: Guy wires shall be permitted in required side and rear yards. Minimum setbacks for antenna support structures shall be the same as those required for accessory buildings in the applicable residential district and as for all buildings in nonresidential districts, except that side yard encroachments equal to that allowed for fireplaces under single-family district regulations shall be permitted.

Separation: There shall be no minimum or maximum separation requirements for antenna support structures from other structures on the same lot of record.

10-313.4.3 Lights

Lights mounted on antenna support structures shall comply with all requirements of the Glare and Lighting Standards.

10-313.4.4 Construction Standards

Antenna support structures shall be installed and may be modified in accordance with the manufacturer's specifications or under the seal of a registered professional engineer of the State of Texas.

10-313.4.5 Maintenance

Antennas and antenna support structures that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse shall be removed or brought into repair within 90 days following notice given by the Building Official; provided that the Building Official may order immediate action to prevent an imminent threat to public safety or property.

10-313.4.6 License Requirements

Only licensed amateur radio operators shall be permitted to install, or have installed, and operate licensed amateur communication facilities under the provisions of this section. Proof of license shall be required at the time application is made for a building permit to install and operate licensed amateur communication facilities under the provisions of this section.

10-313.4.7 Discontinuance

Within 180 days of the date of discontinuance, the owner of property on which an antenna structure is located shall remove the structure from the property in the event licensed amateur communications will be discontinued at the property due to change in ownership from a licensed amateur radio operator to a person not licensed to engage in licensed amateur communications, the death of the licensee, or the loss or surrender of the FCC license authorizing those communications.

Section 2

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 3

That Ordinance No. 4647, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

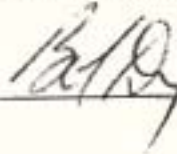
Section 5

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

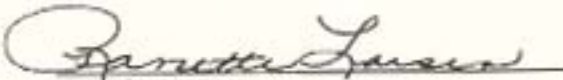
PASSED AND APPROVED this the 17th day of August 2004.

CITY OF GARLAND, TEXAS

Mayor



ATTEST:


City Secretary