

Sec. 35-385.1 – Radio and, Television Antennas.

(a) **Radio and Television Antennas in Non-residential Zoning Districts.** 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 antennas, shall be considered as permissible accessory uses in all zoning districts.

(1) **Height.** The height of an antenna 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. Antennas within nonresidential districts shall comply with the height and setback requirements for the particular district. Further, all antennas and antenna support structures shall comply with the height restrictions of the joint airport and airport hazard zoning regulations, division 4 of this chapter, (35-331 Airport Hazard Overlay District (AHOD) and 35-334 Military Airport Overlay Zones (MAOZ)).

(2) **Building Permit.** A building permit from the department of development services shall be required for the installation of any roof-mounted antennas or antenna support structure over twelve (12) feet above the peak of the roof and any ground-mounted antennas 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 International Building Code. Applications for a permit shall be accompanied by the following in duplicate:

- A. Construction drawings showing the proposed method of installation.
- B. The manufacturer's recommended installations, if any.
- C. A diagram to scale showing the location of the antennas, property and setbacks, 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 requirements of the International Building Code. For roof antenna installations, the certification shall indicate the capability of the existing roof structure to support the added loads.

(3) **Maintenance.** All antennas shall be maintained in good condition and in accordance with the requirements of this section. No additions or modifications shall be made to an antenna, unless it is in conformity with the International Building Code and this section.

(4) **Historic Landmarks or Historic Districts.** The installation of any antenna or antenna support structure within the property of a historic landmark or in a historic, River Improvement Overlay (RIO), or the Downtown district shall require the approval of the Historic Preservation Officer, consistent with Article VI of this chapter.

(5) **Uses Not Permitted.** Antennas not otherwise permitted under these regulations may be permitted as a specific use authorization if approved by City Council.

(b) **Radio and Television Antennas in Residential Zoning Districts.** In addition to the regulations in subsection (a), the following shall apply to radio and television antennas in residential districts:

Antennas in residential zoning districts shall be located, designed, constructed and maintained in accordance with the following standards:

(1) **Categories Permitted.** Antennas 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 Antennas.**

A. The 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.

B. The antennas or antenna support structure shall be located on the roof portion sloping away from the front of the lot if possible. Otherwise the antennas or antenna support structure shall be located on the rear half of the roof.

(3) **Ground-Mounted Antennas.**

A. The antennas, including support structure, shall not exceed seventy (70) feet in height.

B. The antennas or antenna support structure shall not be located in any required front setback or anywhere in the front yard between the principal building and the front setback.

Sec. 35-385.2 - Wireless Antenna Installations

Purpose and Goals: *The purpose of this section is to establish standards for processing applications for various types of Wireless Antenna Installations pursuant to Section 6409(a) of “The Spectrum Act” of 2012 (47 U.S.C. 1455) and “The Communications Act” of 1934, as amended (47 U.S.C. 332(c)(7)), while protecting the safety and welfare of the citizens of San Antonio, and preserving the historical, aesthetic, and cultural value of historic properties, resources, and neighborhoods in the community.*

The goals of this section include promoting wireless communications service deployments throughout the city which meet the radio emissions propagation needs of providers while minimizing visual intrusiveness, protecting Historic, Downtown, River Improvement Overlay, and residential zoning districts from the adverse visual and safety impacts of towers and other installations.

(a) **Applicability.**

- (1) **Types of Installation.** The provisions established in this section shall apply to the following types of Wireless Antenna Installations, whether on City, SAWS, CPS Energy, or other publicly or privately-owned property:
 - A. Tower Installations, defined as installations on ground-mounted support structures erected for the sole purpose of supporting television, radio, or FCC authorized or licensed communications equipment.
 - B. Rooftop Installations
 - C. Building Façade Installations, including Installations on any Surface of a structure not intended to be occupied. Such installations may include, but not be limited to, Small-Cell and DAS systems.
 - D. Stealth Installations, including Lightpole, Flagpole, or Other Pole-Mounted, whether on Private, Public, City, CPS Energy, or SAWS Property or in a Municipal Right-of-Way (pursuant to City Code Sections 35-450, 35-640, 35-646, and 37-3).

Other types of Wireless Antenna Installations not specifically enumerated above shall be processed, permitted, not permitted, or permitted by Specific Use Authorization, and shall be considered for purposes of this Chapter to be such type of installation enumerated above which they most resemble in size and scale, installation method and location, and form and appearance as determined by the director.

- (2) **Types of Application.** Applications for Wireless Antenna Installations shall be categorized as one of three types, defined below:
 - A. **Initial Installation** shall be the first instance at a property where the installation of any equipment related to a Wireless Antenna Installation occurs. Except for tower installations, such equipment shall constitute the Base Station for purposes of

compliance with Section 6409(a) of the Spectrum Act of 2012 and Section 332(c)(7) of the Communications Act of 1934, (47 U.S.C.A. §332, as amended February 8, 1996). For Tower Installations, the Initial Installation Area shall be the fenced enclosure surrounding the tower and related structures. For all other installations, the Initial Installation Area shall be the area described by an outline connecting the outermost edges of any equipment that is part of the installation.

B. Substantial Change Collocation means the addition of new equipment to an Initial Installation where any one or more of the following occur:

- i. The new equipment increases the height of a tower more than the greater of 20 feet or 10% of its existing height.
- ii. The new equipment protrudes from a tower more than the greater of 20 feet or the tower width at the height of the proposed addition.
- iii. An equipment hut is added to a tower site where no equipment hut exists.
- iv. Ground mounted equipment cabinets more than 10% larger in height or overall volume than any existing equipment cabinets are added.
- v. The height of any non-tower Initial Installation increases more than the greater of 10 feet or 10% of its existing height.
- vi. The new equipment protrudes from any non-tower Initial Installation more than six (6) feet.
- vii. More than 1 equipment cabinet is added to a small-cell installation, or more than 4 equipment cabinets are added to a rooftop installation.
- viii. The new installation involves excavation or equipment installation outside the Initial Installation Area.
- ix. The new installation defeats or fails to comply with any aesthetic or stealth installation requirements imposed for concealment of the Initial Installation.
- x. The new installation fails to meet all other applicable standards and requirements of this chapter.

C. For purposes of determining the above dimensional increases, the area and height of an installation constructed prior to [effective date of ordinance] shall include all appurtenances and modifications approved and installed as of [effective date of ordinance]. The area and height of all installations constructed on or subsequent to [effective date of ordinance] shall include only the Initial Installation equipment. An

application for permit shall include the original initial installation site plan (as existing on or before [effective date of ordinance] with dimensions of huts, panels, equipment and heights of any towers.

D. Non-Substantial Change Collocation shall be the addition, replacement, or removal of equipment to an Initial Installation that is not a “Substantial Change Collocation.”

(b) **Table 385.2-1. Permitted Installations.**

Proposed Location of Installation	Type of Installation				
	Initial Installation			Collocation	
	Tower	Rooftop	Small-Cell	Substantial Change (90 day Review)	Non-Substantial Change (60 day Review)
River Improvement Overlay, or Historic Districts (including Historic Landmarks)	N ¹	S	S	S	P
Downtown District	S	S	S	S	P
Edwards Recharge Zone Districts ²	S	P	P	S/P ³	S/P ³
City/CPS Energy/SAWS Property ⁴	P	P	P	P	P
Municipal Right-of-Way ⁵	N	N	L	N/A	N/A
All Other Industrial Districts	P	P	P	P	P
All Other Commercial Districts	P	P	P	P	P
All Other Residential Districts	S	S	S	S	P

Legend:

- N – Use Not Permitted
- P – Use Permitted By-Right
- S – Use Permitted Pursuant to Specific Use Authorization
- L – Use Permitted under Lease or License Agreement with the City
- N/A – Not Applicable

Footnotes:

1. Notwithstanding this prohibition, legal non-conforming towers located in the River Improvement Overlay or Historic Districts may be rebuilt for reasons of structural soundness to existing design and dimensions pursuant to a building permit.
2. Proposed installations in Edwards Recharge Zone overlay districts shall be subject to all requirements of the underlying zoning district.
3. Specific Use Authorizations shall be required in Edwards Recharge Zone overlay districts for all Tower Installation Collocations involving accessory fuel storage or increased impervious cover. All other collocations shall be permitted in accordance with the underlying zoning district.

4. Installations on City, SAWS, and CPS Property are permitted by-right, but shall comply with all requirements of this chapter otherwise applicable in the underlying zoning district.

5. Installations in Municipal Right-of-Way in Downtown, River Improvement Overlay, or Historic Districts shall comply with the applicable stealth concealment requirements for such district.

(c) **Application Requirements for Wireless Antenna Installations.** Wireless Antenna Installations shall comply with all requirements of the applicable zoning districts in addition to the specific requirements of this section, except that the height limitation of Tower Installations shall be as stated in this section.

(1) **General Requirements.** All applications for wireless antenna installations shall comply with the following general guidelines and requirements:

A. **State and Federal Requirements.** All wireless antenna installations must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and any other applicable state and federal law.

B. **Building Codes and Safety Standards.** A building permit shall be required for the erection or installation of any tower, wireless antenna installation, or unmanned equipment shelter for a wireless communication system. All wireless antenna installations shall be maintained in good condition and in accordance with the requirements of this section, and all applicable local, state, and federal law. No addition or modification shall be made to a wireless antenna installation unless it is permitted through Development Services in conformity with the city's International Building Code, all other applicable codes, and this section.

Unless noted otherwise, nothing in this section exempts any wireless antenna installation from compliance with applicable height, setback, tree preservation, storm water requirements, or other requirements of this chapter.

C. **Application Materials.** All applications for wireless antenna installation shall be subject to review for compliance with technical requirements appropriate for the type of installation. The application for construction of a wireless antenna installation must be accompanied by the following documents, certifications, assertions, and information. The application must specify the type of installation requested and must be reviewed pursuant to the procedural requirements of this section prior to issuance of a building permit.

i. **Legal Authorization.** Applicants shall submit a signed affidavit certifying the property owner has granted permission for the proposed installation. For installations on City, CPS Energy, or SAWS property, applicants shall provide a copy of the license or lease agreement from the City, CPS Energy, or SAWS authorizing the installation.

- ii. **Drawings.** The following required drawings shall be to scale, and sealed by a Professional Engineer, licensed in Texas.
 - a. **Site Plan.** Must show existing structures and site features, as well as all proposed improvements and equipment installation including transmission equipment, antenna support structure(s), equipment huts or cabinets, backhaul facilities, and electrical lines and equipment; all setbacks, utility and access easements, existing electrical facilities, driveways, parking, fencing, screening, landscaping and any other relevant information; land use and zoning of all parcels within 200 feet of the parcel where installation is proposed; proposed access to the installation, and radio frequency coverage of transmission equipment. For roof antenna installations, a structural engineer licensed in the State of Texas shall indicate the capability of the existing roof structure to support the added loads.
 - b. **Elevation(s).** Provide front, rear and side elevation drawings of the proposed installation, any existing wireless or other equipment, and existing structures including, but not limited to, towers, huts, non-habitable structures and buildings; noting the maximum height of all proposed components of the wireless antenna installation, including overall tower height, and height of all future collocations
 - c. **Attachment Details.** Provide graphical details and structural calculations demonstrating the proposed method of securing equipment to the ground or an existing tower or building, including manufacturer's recommended installation method.
 - d. An application for permit shall include the original initial installation site plan (as existing on or before [effective date of ordinance]) with dimensions of huts, panels, equipment and heights of any towers existing at that time.
- iii. **Supplemental Documentation.**
 - a. **Certificate of Compliance.** The applicant shall certify that the proposed installation complies with all applicable federal, state, and local codes, regulations, and laws. Such certification sealed by a Professional Engineer, registered in Texas.
 - b. **Manufacturer Specifications.** The applicant shall submit manufacturer's specifications for all proposed structures and equipment.
 - c. **Photographs.** The applicant shall provide photographs showing the site prior to the installation and simulated photographic images of the proposed

installation from different vantage points, including the front, sides, and back.

- d. **Structural Capacity of Existing Towers.** The applicant's structural engineer licensed in the State of Texas shall submit the structural analysis report of the existing towers to support the new and additional loads caused by new and additional equipment placed upon that tower.
 - iv. **Antenna Owners.** The application must identify the owners of all antenna(s) and equipment located at the property as of the date of the application.
 - v. **Design Requirements.** All installations shall comply with the aesthetic design requirements of this chapter. Installations in Historic, River Improvement Overlay ("RIO"), Downtown, and Residential Districts shall also comply with all stealth concealment requirements of this section. Where aesthetic requirements under this section conflict with other requirements under this chapter, the more stringent requirements shall control.
- (2) **Specific Use Authorization Requirements.** In addition to the requirements in subsection (1) "General Requirements" above, where a Specific Use Authorization is required, the following shall apply:
- A. No building permit shall issue until such authorization has been granted by the City Council pursuant to Section 35-423 of this chapter.
 - B. The installation shall be of the least visually intrusive type feasible to meet the design performance goals.
 - C. Every application shall be accompanied by an administrative fee, as well as a fee to retain a technical consultant who will review the application, in accordance with Appendix 'C'.
 - D. The staff recommendation shall be accompanied by the technical consultant report and the Historic Preservation Officer ("HPO")'s recommendation (where applicable) regarding compliance with the aesthetic requirements of this chapter.
 - E. The applicant shall provide copies of propagation maps demonstrating the radio frequency coverage of the proposed installation at the requested height. For tower antenna installations, the propagation maps shall show the radio frequency coverage at the requested height and at ten and twenty feet below the requested height.

- F. The applicant shall provide a current map showing the proposed installation, as well as all of the applicant's existing wireless antenna installations within one (1) mile of the site, identified by installation type.
- G. Stealth Installation Plans, per section 35-385.2(e)(2), shall be required for all installations in Historic, RIO, Downtown, and Residential Districts. Such Plans shall demonstrate compliance with all aesthetic requirements imposed under this chapter, as well as all applicable design guidelines. Applicants shall submit drawings, specifications and material and color samples to the designated reviewing authority.
- H. Applications for a wireless antenna installation located within the Edwards Recharge Zone must comply with the Edwards Recharge Zone District ("ERZD") regulations found in section 35-332 of this chapter, as well as Chapter 34 of the city code.

(d) **Procedures.**

- (1) **Application Review Periods.** The following review periods shall not apply to applications for wireless equipment installations on property owned by the City, SAWS, or CPS Energy, though such applications shall otherwise follow the procedures outlined in subsections (2)-(5), below.
 - A. **Review of Applications for Initial Installations.** The City shall review and process applications for initial wireless antenna installations within 150 calendar days.
 - B. **Review of Applications for Substantial Change Collocation.** The city shall review and process an application for Substantial Change Collocation, as defined in this chapter, within 90 calendar days.
 - C. **Failure of City to Act.** Failure by the City to either approve or deny an application within the applicable time periods in subsections A and B above, shall constitute a denial of such application, and the City shall issue a written Denial Letter no later than the last day of the applicable review period, detailing the reason for the denial.
 - D. **Review of Applications for Non-Substantial Change Collocation.** The City shall review and process an application for Non-Substantial Change Collocation, as defined in this chapter, within 60 calendar days pursuant to the following process and requirements:
 - i. **Tolling.** Determination that an application or supplemental submission lacks any materials required to determine if the proposed installation qualifies as Non-Substantial Change Collocation, as defined herein, or related to applicable safety requirements, shall toll the 60 day review period until the department of development services receives and date-stamps supplemental information from the applicant.

The tolling period shall begin on the day a notice of Incompleteness is sent to the applicant via U.S. Postal Service or electronic mail and shall end at the time and on the date a supplemental submission is received and date-stamped by the department.

- ii. **Notice.** The department must send such notice of incompleteness within 30 days of receipt of the initial application or ten days of receipt of any supplemental submission(s), and such notice shall clearly and specifically delineate all missing documents or information necessary to establish that the request falls within the scope of Non-Substantial Change Collocation.
- iii. **Denial.** An application shall be denied if:
 - a. The reviewing authority determines a proposed installation does not qualify as Non-Substantial Change Collocation, or
 - b. The applicant fails to adequately supplement an application within the 60 day review period in response to a notice of incompleteness.
 - c. The technical submission does not comply with all International Building Code and related building code requirements.

Any withdrawn or denied application may be resubmitted as a new application, upon payment of a new application fee, for consideration as either a Substantial or a Non-Substantial Change Collocation. Unused consultant fees for withdrawn or denied applications shall be refunded.

- iv. **Tolling by Mutual Agreement.** Notwithstanding the above, the applicant and City may mutually agree to toll the 60 day review period before it ends by written agreement provided by the applicant, signed by the director or their designee, and filed with the department.
- v. **Failure of City to Act.** The city's failure to either approve or deny a Non-Substantial Change Collocation application within 60 days under this section shall be deemed approval, and city shall provide an approval letter upon receipt of a written request from the applicant.
- vi. **Applicability of Other Requirements of this Chapter.** The director shall issue a building permit for proposed installations meeting all applicable requirements of the building code, as well as the requirements for Non-Substantial Change Collocation. Nothing in this section shall exempt the installation from compliance with all applicable federal, state, and city laws and regulations.

(2) Application Completeness Review.

- A. **Completeness Review.** The development services department shall review all applications for completeness. Complete applications subject to specific use authorization shall be forwarded to all applicable reviewing authorities, whose reports shall be forwarded to the Secretary of the Zoning Commission for Zoning Commission consideration and recommendation to the City Council. Applications requiring a specific use authorization shall not be considered complete for technical review by development services unless the ordinance authorizing the specific use authorization has become effective.
- B. **Incomplete Application.** If the department determines that an application is incomplete, the application will not be processed and the applicant will be asked to resubmit a complete application. Except as specified in the tolling provisions for Non-Substantial Change Collocation above, the application review periods established in this chapter shall not begin until the director or their designee certifies an application is complete.

(3) Technical and Design Review. In addition to review by the department, applications requiring technical or design review shall be processed within the required timelines as follows:

- A. **General.** Applications shall be reviewed as designated below for compliance with all applicable technical and design regulations and the reviewing body shall submit a written report certifying compliance or identifying actions or modifications required to achieve compliance to the Secretary of the Zoning Commission prior to Zoning Commission consideration.
- B. **Installations in Historic Districts and RIO Districts.** Review shall be by the Office of Historic Preservation for compliance with applicable aesthetic requirements. OHP staff shall forward recommendations to the Historic and Design Review Commission ("HDRC") who shall submit approval/disapproval recommendations to the HPO. The HPO shall forward recommendations to the Secretary of the Zoning Commission for Zoning Commission consideration.
- C. **Installations in the Downtown District.** Review shall be by the Planning and Community Development Department for compliance with applicable aesthetic requirements. Planning and Community Development staff shall forward recommendations to the Historic and Design Review Commission ("HDRC") who shall submit approval/disapproval recommendations to the Secretary of the Zoning Commission for Zoning Commission consideration.

- D. **Installations in the ERZD.** Review shall be by SAWS for compliance with applicable Texas Commission on Environmental Quality (TCEQ) and other ERZD environmental regulations.
- E. **Installations in the Airport Hazard Overlay District.** Review shall be by the Aviation Department for compliance with applicable height restrictions, including but not limited to Federal Aviation Regulations (FAR) codified at 14 CFR, part 77.
- F. **Installations in Military Airport Overlay Zones.** Review shall be by the appropriate Military Liaison as determined in the applicable memorandum of understanding for compliance with applicable development restrictions.
- G. **Installations in the Right-of-Way and on city property.** Review shall be by the Information Technology Services and Eastpoint & Real Estate Departments for compliance with applicable city policies and license agreements, and by the HDRC for compliance with applicable aesthetic requirements. Approval by the HPO shall be a pre-requisite for issuance of a building permit.
- H. **Installations on CPS Energy property.** Review shall be by CPS Energy, and by the HDRC for compliance with applicable aesthetic requirements. Approval by the HPO shall be a prerequisite for issuance of a building permit.
- I. **Installations on SAWS property.** Review shall be by, and by the HDRC for compliance with applicable aesthetic requirements. Approval by the HPO shall be a prerequisite for issuance of a building permit.

(4) **Ministerial Review and Approval of Certain Applications.**

- A. **Initial Installations.** An application for a new installation in zoning districts where such use is permitted by right shall be approved provided the application complies with subsection (c) "Application Requirements for Wireless Antenna Installations" and subsection (e) "Design Standards and Conditions" of this section, and all requirements of this chapter.
- B. **Non-Substantial Change Collocation.**
 - i. A request for non-substantial change collocation on an existing structure shall be approved provided the original installation was installed pursuant to city authorization, and the proposed collocation does not defeat any stealth concealment requirements imposed as a condition of approval of the initial installation and complies with the definition of Non-Substantial Change in this chapter, as determined by the appropriate reviewing authority.

- ii. A determination that the collocation defeats an initial installation's Stealth Installation Plan or does not comply with the definition of non-substantial change in this chapter shall result in denial of the Non-Substantial Change application.

C. Substantial Change Collocation. A request for substantial change collocation on an existing structure located in zoning districts where such use is permitted by right shall be approved provided the following requirements are met.

- i. The original installation was installed pursuant to city authorization.
- ii. The new installation shall comply with all requirements under subsection (c) "Application Requirements for Wireless Antenna Installations" and subsection (e) "Design Standards and Conditions" of this section, and all requirements of this chapter.
- iii. The new installation shall comply with applicable federal, state and local environmental regulations in the ERZD.
- iv. Collocations on existing towers shall not:
 - a. Exceed the maximum height permitted for a tower, unless otherwise permitted by a specific use authorization.
 - b. Violate the applicable setback through the addition of ground level equipment or antennas.
 - c. Place additional loads on an existing tower that is not structurally adequate to handle the new additional loads per the State of Texas structural engineer's structural analysis report of the existing towers, unless the scope of work includes the structural modifications to the tower per the report.

(5) Specific Use Authorization Process.

A. Initial Applications Subject to Specific Use Authorization. An application for a new installation subject to specific use authorization, shall require approval by the City Council pursuant to Section 35-423, and shall comply with all requirements of subsection (c), "Application Requirements for Wireless Antenna Installations."

B. HDRC Hearing. All initial installations and all Substantial Change Collocation installations proposed for Historic Districts, RIO Districts, and the Downtown District shall be subject to review by the HDRC.

- i. **Staff Recommendations.** Office of Historic Preservation staff (or Department of Planning and Community Development staff in the case of the Downtown District) shall make their recommendations to the HPO to be included on the next regularly scheduled or called agenda of the HDRC.
- ii. **HDRC Recommendations.** The HDRC shall issue their recommendations to the HPO or Director of Planning and Community Development, as applicable, but no application shall be continued by the HDRC more than once.
- iii. **Departmental Recommendations.** The HPO or Director of Planning and Community Development, as applicable, shall issue that officer's recommendations to the Secretary of the Zoning Commission for Zoning Commission consideration.

The HPO or Director of Planning and Community Development, as applicable, shall be responsible for recommending conditions of approval based on the aesthetic and stealth concealment requirements of this chapter, as well as the requirement that initial installations anticipate future collocations.

- C. **Zoning Commission Hearing.** The final report of the Zoning Commission to the City Council shall set out and explain the recommendation(s) of the Zoning Commission regarding any application for a Specific Use Authorization for a Wireless Antenna Installation. Where the Zoning Commission recommendation is for denial, such report shall include a review of the entire record, including the submissions made by the applicant, the departmental or agency report(s), and any technical consultant report.
- D. **City Council Hearing.** After holding a hearing, receiving testimony, and considering the entire record, the City Council may approve, approve with conditions, or deny the application. If the application is denied, the department shall send notification to the applicant of the decision and reasons for denial in writing by certified mail within three business days.

Table 385.2-2. Process Summary.

Application Type	Zoning or Property Type	Meet General Requirements	Meet Applicable ² Specific Requirements	Completeness and Plan Reviews	Design and Technical Review	Third Party Review	Eligible for Ministerial Review and Approval ³	Historic and Design Review Commission Recommendation ⁴	Zoning Commission Hearing ⁵	City Council Approval
Initial Installation (150 day review after submission complete)	Historic/ RIO/ Downtown Districts	X	X	X	X	X		X	X	X
	Edwards Recharge District	X	X	X	X	X			X	X
	Other Residential	X	X	X		X			X	X
	Other Industrial/Commercial	X		X		X	X			
	Municipal Right-of-Way	(1)						X		
	City/SAWS/CPS Property ⁶	X	X	X	X	X	X	X		
Substantial Change Collocation (90 day review after submission complete)	Historic/ RIO/ Downtown Districts	X	X	X	X	X		X	X	X
	Edwards Recharge District	X	X	X	X	X			X	X
	Other Residential	X	X	X		X			X	X
	Other Industrial/Commercial	X		X		X	X			
	Municipal Right-of-Way	(1)						X		
	City/SAWS/CPS Property ⁶	X	X	X	X	X	X	X		
Non-Substantial Change Collocation (60 day review after submission complete)	Historic/ RIO/ Downtown Districts	X	X	X	X		X			
	Edwards Recharge District	X	X	X	X		X			
	Other Residential	X	X	X			X			
	Other Industrial/Commercial	X		X			X			
	Municipal Right-of-Way	(1)		X	X		X			
	City/SAWS/CPS Property ⁶	X	X	X	X		X			

Notes:

1. Installations in the municipal right-of-way shall be permitted by-right pursuant to a lease or license agreement, and shall comply with this chapter to the extent required by City Code Sections 35-450, 35-640, 35-646, 37-3, and Chapter 34 as applicable.
2. Specific Requirements include those contained in subsections (c) "Application Requirements" and (e) "Design Standards and Conditions" of this section.
3. No application requiring a Specific Use Authorization, Special Exception, or Variance shall be eligible for Ministerial Approval.
4. Installations requiring recommendation by the Historic and Design Review Commission shall comply with applicable procedural requirements contained in Article IV, Division 5.
5. Installations requiring Specific Use Authorization shall comply with applicable zoning procedures contained in Article IV, Divisions 3 and 7, of this chapter.
6. Installations on City/SAWS/CPS Energy property are not subject to the review periods of this chapter, but are subject to the Specific Design Requirements of the underlying zoning district.

(e) **Design Standards and Conditions.**

(1) **General Design Requirements.** All initial wireless installations or wireless collocation installations shall comply with the minimum requirements herein, though installations subject to Specific Design Requirements shall also comply with subsection (2), below.

A. **Associated Equipment.** Equipment huts, equipment cabinets, transmission equipment, and related facilities associated with a wireless antenna installation shall, to the extent possible, use materials, neutral colors, textures, screening, and landscaping that will blend the installation into the natural setting and surrounding structures so as to make the installation as visually unobtrusive as possible.

B. **Equipment Huts.** Equipment huts shall be unmanned equipment buildings not to exceed more than seven hundred fifty (750) square feet of gross area and shall not be more than twelve (12) feet in height. For rooftop antenna installations, the equipment hut shall not exceed ten (10) feet in height.

C. **Tower Design and Height Restrictions.** The following requirements apply to ground-mounted tower antenna installations and traditional collocation on existing towers

i. Initial tower installations shall be limited to 179 feet to anticipate a future collocation height increase of 20 feet. However, the height of towers with collocation in all zoning districts may not exceed 199 feet without City Council approval under a specific use authorization. Notwithstanding the above, towers approved by the city prior to February 22, 2012 shall be entitled to a 20 foot height increase for one non-substantial change collocation.

All towers shall comply with the height restrictions of the Airport Hazard Overlay District, as found in Section 35-331, and Military Airport Overlay Zones, as found in Section 35-344, of the City Code, and all applicable Federal Aviation Regulations (FAR), including but not limited to, those codified at 14 CFR, part 77.

ii. Towers shall maintain a galvanized (dull grey) steel finish, subject to applicable federal or state standards.

D. **Tower Setbacks and Spacing.** The following only apply to initial ground-mounted tower antenna installations and traditional collocation on an existing tower:

i. All required setbacks in Article III shall apply to initial tower installations and subsequent collocations. However, no part of any initial tower installation shall be less than 20 feet from a required setback line.

ii. Towers in any zoning district on the same lot as a structure that has a residential use shall be spaced at least 200 feet from such structure.

- iii. All towers shall be spaced at least 200 feet from the nearest property line of any nearby residential zoning district or residential use, whether or not in a residential zoning district.
- iv. Towers are prohibited within 200 feet of Downtown, RIO, or Historic Districts (including Historic Landmarks, and those properties formerly designated Historic Exceptional and Historic Significant).
- v. Spacing requirements for towers on residentially zoned property shall not apply if the property is vacant and undeveloped, and is located at least 200 feet, measured from the base of the tower to the property line of a parcel containing a residential use.
- vi. Towers approved to be higher than 199' by City Council shall be set back from a residential zoning district or residential use by an amount equal to 110% of the height of the tower.

MINIMUM REQUIRED TOWER SPACING FROM RESIDENTIAL DISTRICTS AND USES

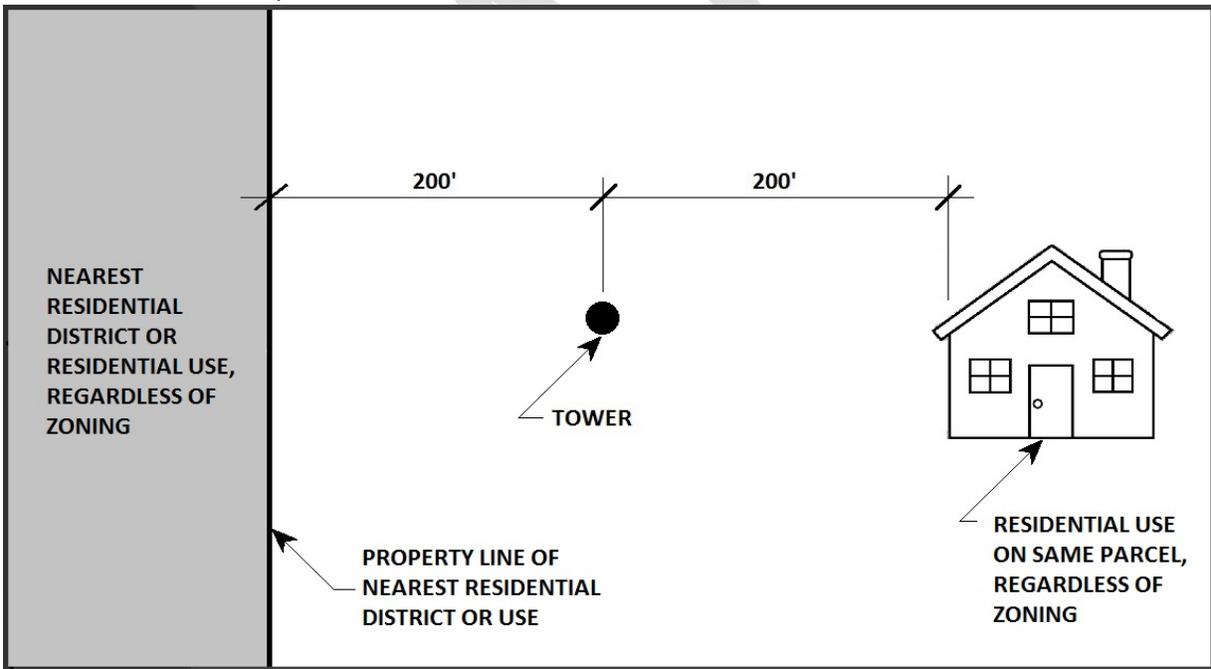


Figure 385.2-1

E. Rooftop Installations. All Rooftop Installations shall:

- i. Locate all equipment 20 feet or more from the roof edge.

- ii. Limit installation area to no more than 50% of the roof area, including anticipated future collocation(s).
- iii. Include an installation area that shall be the area described by an outline connecting the outermost edges of any equipment that is part of the installation. Unused roof space within this outline shall be considered part of the installation for purposes of this provision.

EXAMPLE OF WIRELESS ANTENNA INSTALLATION AREA, SHOWN SHADED

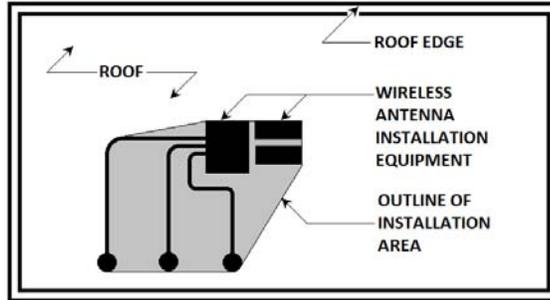


Figure 385.2-2: View of rooftop from above

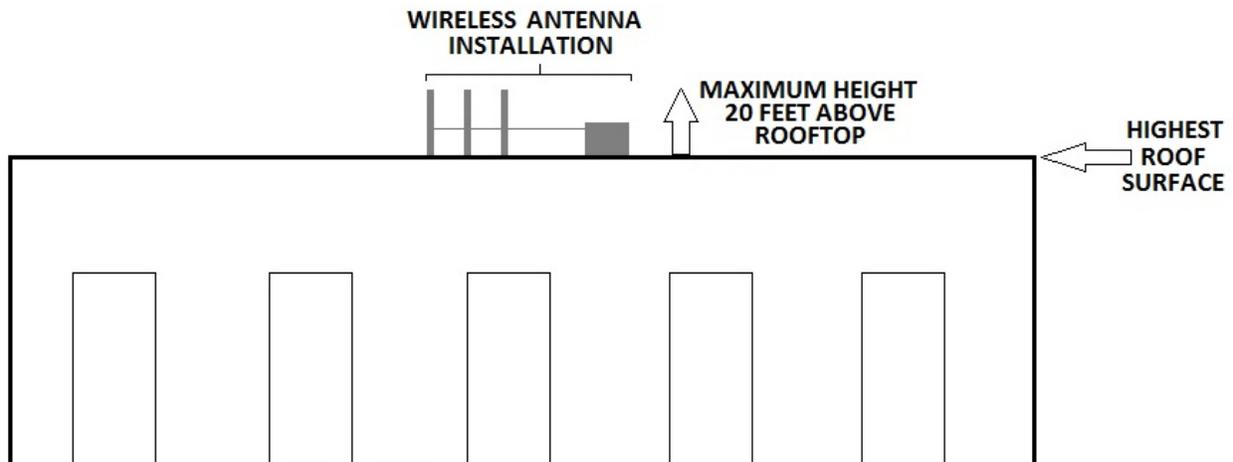


Figure 385.2-3: Building Elevation

- iv. Conceal all rooftop antenna installation equipment, including but not limited to equipment cabinets, within rooftop equipment huts in accordance with subsection (e)(1) A, above, or behind screening materials such as, but not limited to, louvers or solid material, structurally anchored and supported per all applicable codes, and painted and/or textured to minimize visual obtrusiveness.
- v. Be limited in overall height to 20 feet above the highest existing roof surface where the wireless antenna installation is located, but in no circumstance shall

the height of the installation exceed the allowable building height in the underlying zoning district. All wireless antenna installations shall comply with the height restrictions of the Airport Hazard Overlay District, as found in Section 35-331 of the City Code.

- F. **Building Façade-Mounted Installations.** For building façade-mounted installations, all visible equipment shall match the color and texture of the material on which it is installed, or against which it is visible.
- G. **Installations on Non-Habitable Structures.** For installations on non-habitable structures, all visible equipment shall match the color and texture of the material on which it is installed, or against which it is visible.
- H. **Collocation.** Applications for collocation on existing towers or other installations not originally installed pursuant to City authorization will not be accepted as non-substantial collocation applications. In order to promote wireless facilities collocation:
 - i. Towers shall be designed and constructed at initial installation to accommodate future collocations by a minimum of 2 additional wireless providers in accordance with subsection C, “Tower Design and Height Restrictions” above, and subject to the height restrictions contained therein. Such future collocation capacity shall be certified by a Professional Engineer, licensed in the State of Texas.
 - ii. All initial Wireless Antenna Installations shall be designed to accommodate all potential future collocation, including stealth or camouflage, and such accommodations shall be required as part of the application review for initial installations.
- I. **Fence.** The perimeter of all tower antenna installations shall be surrounded by eight (8) foot high fencing, which shall comply with all applicable zoning standards. Three strands of barbed wire located at the top of a perimeter fence may be approved by the director of development services in all zoning districts.
- J. **Lighting.** Towers shall not be artificially lighted unless required by the FAA, FCC, or other applicable regulatory authority. If required, lighting shall be designed to cause the least disturbance feasible to the surrounding property owners.
- K. **Advertising.** No sign of any type shall be allowed on a tower or wireless antenna installation, other than notices required by law.

(2) **Districts with Specific Design Requirements.**

- A. **Stealth Installation Plan Required.** Applications for proposed initial installations and proposed collocations in Historic Districts, RIO Districts, and the Downtown District shall be required to submit a stealth installation plan, per subsection (c)(2)H, above. Such plan shall include the design of the screening, fencing, or other concealment devices, equipment huts or cabinets, and all related transmission equipment or facilities associated with the proposed wireless antenna installation.
- B. **Purpose of Stealth Installation Plan, Generally.** Stealth Installation Plans should seek to minimize the visual obtrusiveness of installations using methods including, but not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture – or the appearance thereof – as the surface against which the installation will be seen or on which it will be installed.

Other stealth approaches may include, but not be limited to, use of architectural concealment products, fencing or screening materials, and where appropriate, landscape design, or any other camouflage strategies appropriate for the type of installation. Additionally, the use of a stealth support or concealment device, such as a clock tower, steeple, flagpole, tree, or other applicable concealment structure may be approved.

The appropriate reviewing authority shall apply this section, as well as all design guidelines applicable in the underlying district or zone wherein an installation is proposed.

- C. **Review of Stealth Installation Plan for Non-Substantial Change Collocations.** Where a proposed collocation does not constitute a substantial change, as defined in this chapter, a stealth installation plan shall be subject to ministerial review to ensure the proposed collocation does not defeat the stealth installation plan approved as part of the initial installation at that location. The HPO shall review installations in Historic or RIO Districts. The Director of Planning and Community Development shall review installations in the Downtown District.
- D. **Review of Stealth Installation Plan for Initial Installations and Substantial Change Collocations.** For initial installations and substantial change collocations in Downtown, Historic, and RIO Districts, The HDRC shall review Stealth Installation Plans for compliance with this section and all applicable design guidelines. The HDRC shall provide a recommendation to the HPO after considering the report of the appropriate reviewing department, as listed under subsection (d)(3) “Technical and Design Review,” above. The HPO shall include the recommendations of the HDRC and of the HPO along with the staff report to the Zoning Commission for consideration of the Specific Use Authorization application.

E. **Stealth Requirements for Pole Installations.** Wireless Antenna Installations on existing utility poles in districts with Design Requirements shall be subject to the following:

- i. The Planning and Community Development Department shall approve varying concealment design options for installations in the Downtown District.
- ii. The HPO shall approve varying concealment design options for installations in the RIO and Historic Districts.

The applicant shall choose from one of those options in consultation with the entity exercising ministerial review authority for the district.

(f) **Installations in the Municipal ROW or on City, CPS Energy, or SAWS Property.**

- (1) **Legal Authority for Installations on Municipal Property.** For the purposes of this section, municipal property shall include property owned by the City of San Antonio, CPS Energy and SAWS. Subsection 35-385.2(c), "Application Requirements for Wireless Antenna Installations", provides procedural requirements for building permit applications, but does not provide the legal authority for installation of wireless antenna installations on municipal property or in rights-of-way. Authorization of Wireless Antenna Installations shall be pursuant to a properly executed lease or license agreement with the City, CPS Energy or SAWS.

Wireless antenna installations constructed on property owned by the City, CPS Energy, and SAWS are recognized as uses permitted in all zoning districts. Tower Installations and Rooftop Installations are prohibited in City right-of-way. Street light pole installations, traffic signal pole installations, and CPS utility pole installations only are permitted. Installations on City, CPS Energy, or SAWS property and municipal rights-of-way shall be governed by the contractual terms of an appropriately executed and approved lease agreement with the City, CPS Energy, or SAWS for access to City, CPS Energy, or SAWS property, or license agreement with the City for use of municipal rights-of-way.

- (2) **Application for Installation on City, CPS Energy, or SAWS Property.** An application for construction of a tower antenna installation, rooftop installation, or any other antenna installation on City, CPS Energy, or SAWS property, or for collocation on an antenna support structure constructed on City, CPS Energy, or SAWS property shall:
 - A. Clearly state that the installation is to be installed on property owned by the City, CPS Energy, or SAWS;
 - B. Must include an administrative approval certifying compliance with contractual terms and with the technical requirements found in subsection (c), and

C. Must include a copy of a lease or license approved by the City, CPS Energy or SAWS authorizing the proposed installation.

- (3) **Building Permit.** Except as noted in subsection (4) below, the development services department shall issue a building permit for the construction of a tower installation, rooftop installation, building façade installation or collocation on property owned by the City, CPS Energy, or SAWS in any zoning district meeting the applicable requirements of this section.
- (4) **Regulations Applicable to Small-Cell Installations in the Municipal Right-of-Way.** The deployment of a small-cell installation (including a DAS installation) in municipal rights-of-way shall be pursuant to City Code Sections 35-450, 35-640, 35-646, and 37-3, and the applicable stealth requirements of this chapter.
- (5) **Design Requirements Applicable.** Any installation on City, CPS Energy, or SAWS property or in the municipal ROW shall be subject to the applicable Design Requirements of the underlying zoning district in which the property or ROW is located. The applicable reviewing authority for such district shall review the application for compliance with such requirements, and certify the same.

APPENDIX A: DEFINITIONS AND RULES OF INTERPRETATION

Sec. 35-A101 Definitions and Rules of Interpretation

(b). **Definitions.** Words with specific defined meanings are as follows:

Antenna support structure. A tower, building, pole, or other structure that serves as the anchor for mounting a wireless antenna installation. ~~Any structure, mast, pole, tripod, or tower used for supporting an antenna or antennas. An antenna support structure includes any monopole antenna structure or lattice antenna structure.~~

Backhaul Facility. A fiber-optic cable or other high-speed landline communications transport facility, or a microwave or other wireless broadband transmission facility that provides transport service from the wireless antenna installation to the provider's communications network.

Base Station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiberoptic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i)-(ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

Collocation, Wireless. ~~Refers to the~~ The joint use and occupancy of a single existing antenna support structure previously permitted as a wireless antenna installation ~~(communications tower or monopole) by two (2) or more wireless service providers who install individual~~

~~antenna arrays at various heights to effectuate a wireless communication system. Collocation shall not include the modification of any existing antenna support structure for the installation of an antenna array above the permitted height for the zoning district in which the antenna support structure is located.~~

Distributed Antenna System or DAS. An outdoor small-cell antenna installation that is a network of spatially separated antenna nodes connected to a common source via a transport medium (typically fiber-optic cable) that provides wireless service within a geographic area. A DAS node identifies the location where the transmission equipment and equipment cabinet are mounted on the pole or other structure.

Eligible Facilities Request A request for expedited collocation that would result in modification of an existing tower or base station that would not substantially change the physical dimensions of such tower or base station, involving: (1) the collocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment. For purposes of this chapter, such request shall be referred to as a Non-Substantial Change Collocation, or an Expedited, Application.

Eligible Support Structure A tower or base station previously approved as a wireless antenna site.

Equipment Cabinet. An enclosed control-box designed to house and protect communications and electrical components associated with a rooftop antenna installation or small-cell antenna installation which may vary in size and dimensions, may be installed underground or at ground level, on a rooftop, inside a building or other structure, or mounted on the side of a pole, building, or other structure as appropriate.

Equipment Hut. An uninhabitable equipment building designed to house and protect communications and electrical components associated with tower antenna installations, rooftop antenna installations, or traditional collocations on an existing antenna structure.

Expedited Collocation. Non-Substantial Change Collocation, as defined in section 35-385.2 of this chapter. An application for expedited collocation or Non-Substantial Change Collocation may also be referred to as an eligible facilities request.

Rooftop Antenna Installation. A wireless antenna installation that is mounted on the roof of a building.

Roof Edge. The outermost part of a roof area with underlying support walls.

Small-cell Antenna Installation. A wireless antenna installation that contains transmission equipment that is compact in size and is mounted on a pole, the facade of a building, or the

side of a non-habitable structure. Small-cell antenna installations include outdoor distributed antenna systems.

Tower. Any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas.

Traditional Collocation. Substantial Change Collocation, as defined in section 35-385.2 of this chapter.

Transmission Equipment. Equipment that facilitates transmission for any federally licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with the provision of mobile services, including but not limited to, personal wireless services; private, broadcast, and public safety services; as well as unlicensed wireless services; and fixed wireless services.

Wireless Antenna Installation. A component of a communications network designed to provide mobile services, including but not limited to, personal wireless services; private, broadcast, and public safety services; as well as unlicensed wireless services; and fixed wireless services. The basic components of all such installations include transmission equipment, an antenna support structure, equipment hut or equipment cabinet, and a backhaul transport facility.

~~Wireless communication standards. See section 35-385 of this chapter.~~

Wireless communication system. Antenna support structures for mobile and land based telecommunication facilities. This includes wireless antenna installations, whip ~~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 and commercial radio service. This facility is inclusive of the placement of the above referenced equipment on a monopole tower, a steel lattice tower and any self supporting communication tower which does not utilize guy wire support. This facility shall also allow as one of its components an unmanned equipment shelter.

Wireless service: A digital wireless communication technology that has the capacity for multiple communication services and provides a system in which calls and/or data are routed to individuals rather than places, regardless of location.