Personal Wireless Service Facilities (PWSF)
Title 20 Chapter 20.10 Section 20.10.455

20.02.710 - Personal wireless service facility.

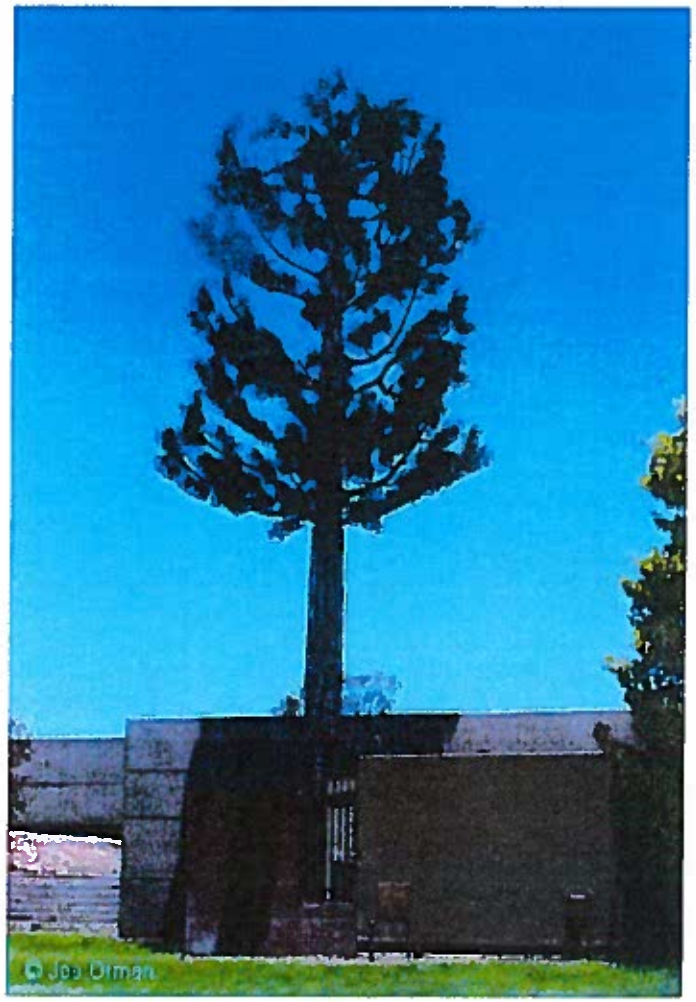
"Personal wireless service facility (PWSF)" is an umbrella term encompassing a broad range of wireless communications technologies that transmit information, primarily cellular telephones (which use analog technology) and the newer personal communication services (PCS, which use digital technology). For both cellular and PCS facilities, there are three types of hardware to be considered: the antennas themselves, the mounting structures upon which the antennas are placed, and the equipment shelters in which the controls for the antennas are located.

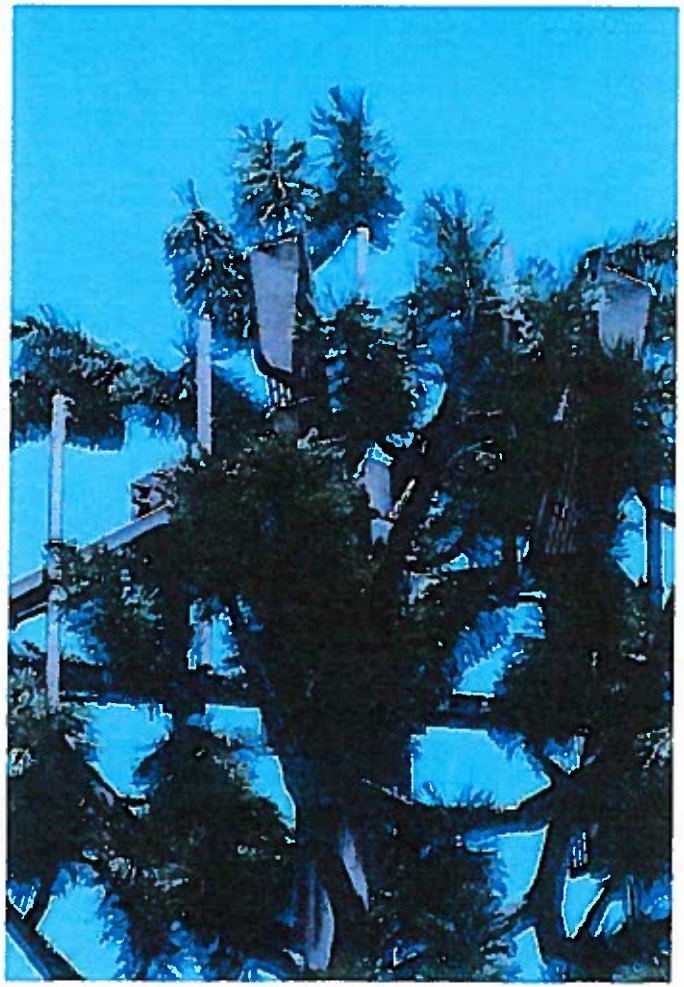
1. **"Ground-mounted PWSF" means an antenna that is mounted on a freestanding support structure, such as a monopole or tower. (Camouflaging and Landscaping is Required, Max. height 75ft. up to 100ft. with an exception approved by Council)**

2. **"Roof-mounted PWSF" means an antenna that is mounted on a structure that is located on the roof of a building. (Camouflaging Optional, Height Limit 30 ft. in Commercial and 10 ft. adjacent to residential)**

3. **"Facility-mounted PWSF" means an antenna that is mounted on a functioning light pole or other structure whose primary purpose is and will continue to be a use other than as an antenna support structure. (Incorporated into the primary structure)**

Ground-mounted PWSF





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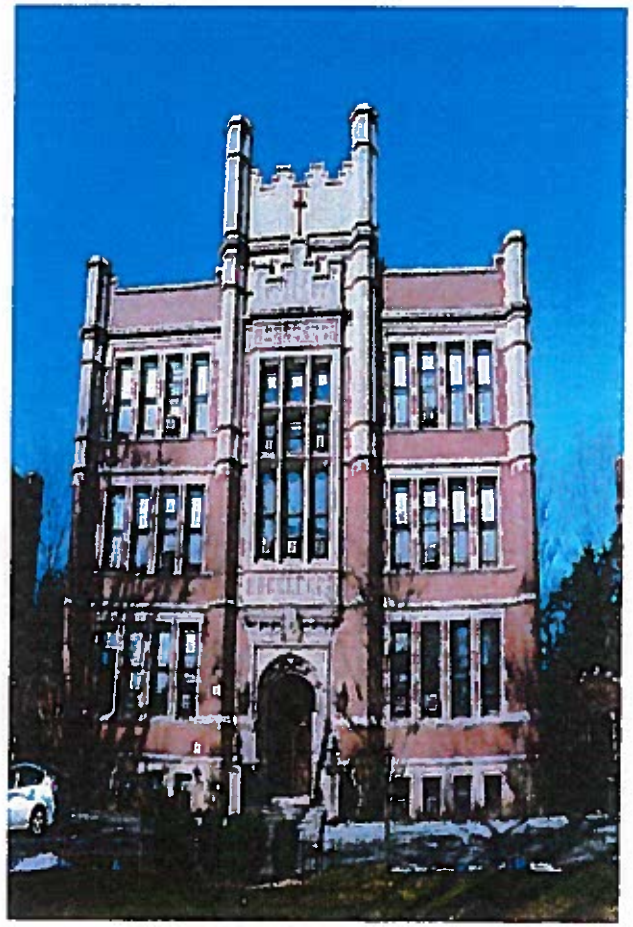
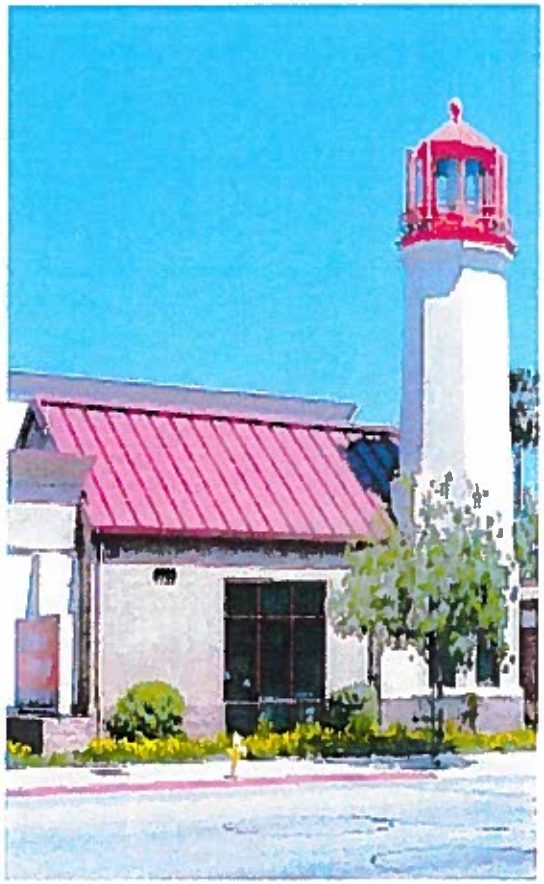
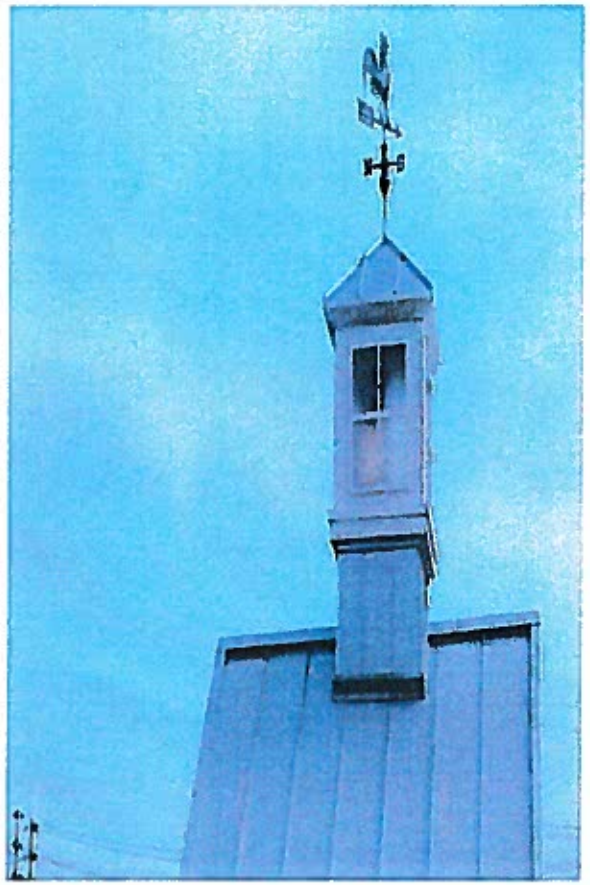
Roof-mounted PWSF



Facility-mounted PWSF





Cell on Wheels (COWs) Not Permitted

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PWSF located in residential and apartment districts (including RF, SRR, PR-1, PR-2, & PMD)

- Special Permit required in residential, apartment and residential special districts, maximum height limited to 50ft. or 75 with a waiver from City Council .

- Setback required 3:1 or 3 ft. additional setback per every ft. of height on tower. Waiver of setbacks by City Council for 2:1 or 2ft. additional setback per every ft. of height on tower if they meet the Council findings, except camouflaging.

PWSF located in Commercial, Manufacturing, Industrial and Quarry Districts (C-1-C-4, M-1-M-3, Q)

- Special Permit required only if setbacks are reduced, and if ½ mile location requirement or height limits are not met and a waiver is requested.

- Setback required 1:1 or 1 ft. setback per every ft. of height on tower.

- Council can waive any of the referenced requirements if the Council findings are met, except camouflaging.

Residential PWSF Exception Findings

b. Modified Setbacks. The setback set forth in subsection (D)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the city council, based on written evidence provided by the applicant, finds that:

1. **The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;**

2. **The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and**

3. **The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.**

PWSF Separation Distance to other PWSF Exception Findings

- d. Modified Separation Between PWSF Antenna Support Structures. The separation distance between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council based on findings that:

1. i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;
2. ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;
3. iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;
4. iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and
5. v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.

United States Cellular Corporation vs. City of Wichita Falls

- 364 F. 3d. 250, Fifth Circuit Court of Appeals, March 19, 2004.

- Fifth Circuit is one of 13 federal courts of appeals with jurisdiction over districts in Louisiana, Mississippi, and Texas.

United States Cellular Corporation vs. City of Wichita Falls

- The Telecommunications Act balances two competing concerns: (1) that "siting and zoning decisions by non-federal units of government (states/cities) have created an inconsistent and, at times, conflicting patchwork requirements for companies seeking to build wireless communications facilities;" and (2) that "there are legitimate State and local concerns involved in regulating the siting of such facilities."

United States Cellular Corporation vs. City of Wichita Falls

- "Congress reconciled these conflicting requirements by explicitly preserving the zoning authority of local governments, but imposing substantive and procedural limits on the exercise of that authority."
- "The Telecommunications Act authorizes suit by any person adversely affected by any final action inconsistent with the procedural or substantive protections of the Telecommunications Act."

United States Cellular Corporation vs. City of Wichita Falls

- "Generalized concerns about aesthetics or property values do not constitute substantial evidence."
- "The Telecommunications Act is centrally directed at whether the local zoning authority's decision is consistent with the applicable zoning requirements."