



Municipal Regulation of Governmental Uses

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MUNICIPAL REGULATION OF FEDERAL LAND USES

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Federal Land Uses

- U.S. Constitution's Supremacy Clause (federal law is the supreme law of the land)
- Local land use regulations do not apply unless there is "clear and unambiguous" congressional authorization deferring to local regulations
- Section 211.103(c) of the Local Government Code provides that municipal zoning power does not apply to buildings, structures or land under control of a federal agency
- USPS complies with local land use regulations "to the extent practical and consistent with operational needs of the Postal Service"



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Situations Where Federal Law Impacts Enforcement of Municipal Land Use Laws

1	Cell Towers: Telecommunications Act of 1996
Churches and Religious Land Uses: RLUIPA	2
3	Natural Gas Compressor Stations: Federal Pipeline Safety Act

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Cell Towers: Telecommunications Act of 1996

The Act imposes **5 limitations** on local authorities when dealing with cell towers and telecommunications carriers. A local government:

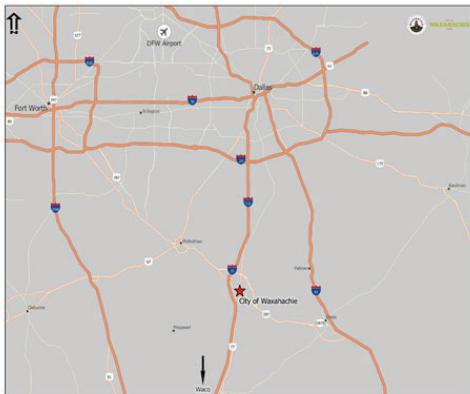
- **shall not prohibit** or have the effect of prohibiting the provision of service
- **may not unreasonably discriminate** between providers of functionally equivalent services
- must act within a **reasonable time** after a request is filed
- must issue a **written opinion** explaining its decision to deny a request, which decision must be supported by substantial evidence
- denial of a request is subject to **judicial review**



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Waxahachie - Quick Facts



- Founded in 1850
- Population 41,205
- City limit 50.88 square miles
- ETJ 146.99 square miles



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