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"

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

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:
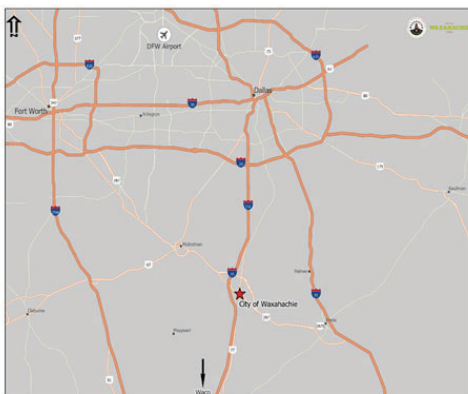
- **shall not prohibit** or have the effect of prohibiting the provision of service
- **may not unreasonably discriminate** between providers of functionally equivalent services
- must act within a **reasonable time** after a request is filed
- must issue a **written opinion** explaining its decision 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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Title search: Municipal Regulation of Governmental Uses

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[2021 Land Use eConference](#)

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