



**Department of Public Works/Planning Division**

**TELECOMMUNICATION  
ANTENNAE AND TOWER**

**Application Packet**

**Revised October, 2010**

3901 Main Street \* P.O. Box 99 \* Rowlett, TX \* 75030-0099 \* 972-463-3949 phone

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# IMPORTANT NOTE

Applicants are **required** to schedule a **pre-application meeting** with Planning and Community Development Department to discuss the development review/approval process and proposed plans with city staff.

Please contact Brian Funderburk, Assistant City Manager at 972-412-6290 if the proposed site is on municipal property.

Please contact Erin Jones, Planning Manager, at 972-412-6114 if the proposed site is on private property. Application submittal deadlines are **Tuesdays**.



Department of Public Works /  
Planning Division

## **TELECOMMUNICATION ANTENNAE AND TOWER APPLICATION**

The City is concerned about the time, expense and efforts you and City staff have or will put into your project. The checklist herein is provided to expedite the project review process by providing a clear understanding as to what is expected for acceptance and approval. City staff is bound by City ordinance and State law regarding publishing of notices, mail-outs, etc. that will have an effect upon when your project will be heard by the approval body, which can only occur when the application and plans are complete in detail as determined by City staff.

Please read the checklist carefully. Plans are to be complete in detail for all projects prior to acknowledgement by the City that the respective plan is accepted to proceed for approval. Instructions for completion are included with each checklist. Telecommunication regulations can be found in the ***Rowlett Development Code, Chapter 77:302***. Telecommunication Ordinance 017-18 is attached for your convenience.

### **IMPORTANT NOTICE**

Due to recent legislation enacted by the 79th Texas legislature in 2005, the City is required to treat any original application, development plan or plat application as a formal permit application if the submittal gives the City fair notice of the proposed project and hence, according to Chapter 245 of the Texas Local Government Code, the City will treat such as a formal permit application as that term is defined under that Chapter and Ordinance No. 29-05. Once a permit application is received, the City will furnish a response to the applicant within 10 business days from the date of submittal to provide comments as to any deficiencies in the submittal. The applicant shall be given a total number of 45 days, commencing from the initial date of submittal, to make all corrections as noted, to provide a complete set of plans meeting submission requirements, and to correct any deficiencies. Failure of a resubmittal to meet all check list, ordinance and submission requirements upon the expiration of the 45-day period will result in the closure the file; the case shall become null and void, and the permit shall be deemed to be expired. Any further submittal will be treated as a new case and subject to existing requirements, together with required fees.

## TELECOMMUNICATION ANTENNAE AND TOWER SUBMISSION REQUIREMENTS

1<sup>st</sup> or initial submittal

- 4 - 22"x34" copies of each Plan herein, **folded** to approximately 8" x 12" (**plans should be scaled to 1"=20' unless previously approved by staff**)
- An electronic copy of the Site Plan, Landscape Plan Tree Survey/Preservation Plan and Façade/Elevation Plan, as applicable, in pdf. format.
- The completed checklist for the respective Plan
- A completed application, including DCAD account numbers
- A letter requesting any exception or why an issue was not addressed
- A fee as required herein for each Plan
- 3 sets of final civil and/or structural engineering plans

### CORRECTED/ REVISED PLAN RESUBMITTAL

2<sup>nd</sup> and 3<sup>rd</sup> submittals to address requirements Staff comments

- 3 - 22"x34" copies of each Plan requiring corrections, **folded** to approximately 8" x 12"
- A written response to staff's comment. **Please note that revised plans will not be accepted without a written response.**

4<sup>th</sup> and subsequent submittal(s)

- 3 - 22"x34" copies of each Plan requiring corrections, **folded** to approximately 8" x 12".
- **A fee equal to the original submission fee**

When staff has determined the application as complete and accepted for final approval

- 3 - 22"x34" **folded** copies of each Plan
- 10 – 11" x 17" or "12 x 18" reductions of each plan Tri or Z – **folded. (If P&Z Approval consideration required)**
- An electronic copy of all Plans in pdf. format.



# Telecommunication Application

## APPLICATION INFORMATION

Address of Proposed Telecommunication Equipment (and/or location description):		<input type="checkbox"/> Administrative Permit <input type="checkbox"/> Special Use Permit	
Project Name:		Appraisal District Account Number:	
Subdivision/Addition Name (If applicable):		Lot:	Block: Zoning Designation(s):
Type of antennas to be installed:		Antenna Dimensions:	
Number of antennas for installation (or locations available):		Frequency Band of Operations (MHz):	
List carrier and contact information for existing antenna on site (additional on back):		Height of existing/proposed antenna locations:	
1.		1.	
2.		2.	
Describe use of this technology:			

## APPLICANT

Telecommunication Company or Consultant Company:			Contact Name:
Company Address:			Phone No:
			Fax No:
City:	State:	Zip Code:	E-mail:

## OTHER

Telecommunication Company or Consultant Company:			Contact Name:
Address:			Phone No:
			Fax No:
City:	State:	Zip Code:	E-mail:

## PROPERTY OWNER

Company:			Contact Name:
Address:			Phone No:
			Fax No:
City:	State:	Zip Code:	E-mail:

**AUTHORIZATION**

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

*An authorized agent may sign in lieu of the property owner if this authorization is signed by the owner(s).*

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County

\_\_\_\_\_  
Notary Public in and for the State of Texas

For Administrative Use Only	
Date:	_____
Case Number:	_____
Fees:	_____ Site Plan
	_____ Other _____
	_____ Total Fees Paid

If antenna and/or tower are proposed on municipal property, the following are required for consideration in the telecommunications application process. Please submit the following information along with a signed copy of this sheet, prior to submitting a formal application.

- 1) Letter of Authorization from the CEO, or the Director of Wireless Lease Administration of the Parent Telecommunication Company, assigning the Employee/Site Acquisition Consultant as their sole representative authorized to commence negotiations on their behalf for a Community Facilities Lease Agreement with the City of Rowlett.
- 2) Basic site plans detailing the proposed installation and location of antennas (the applicant will still need to go through the Development Review Process after formal approval of the agreement by the City Council)

Upon receipt of this application and supporting documentation, the City will provide the standard lease agreement. The applicant acknowledges that the City has a standard lease and agrees to pay for any costs associated with the review of any requested changes to the standard lease made by the applicant.

_____ — Project Name	_____ — Carrier	_____ — Site Address
_____ Applicant Name and Signature		_____ Date

***Please fax this required information to 972-412-6279***

***Mail originals to:***

***City of Rowlett***

***Attn: Brian Funderburk, Assistant City Manager***

***P.O. Box 99***

***Rowlett, TX 75030-0099***



# Telecommunication Minimum Requirements

Project Name \_\_\_\_\_ Submission # \_\_\_\_\_

This checklist is provided to assist you in addressing the minimum requirements for telecommunication tower/antennae submission. An application is incomplete unless all applicable information noted below is submitted to the Department of Planning and Community Development. Indicate that all information is included on the submitted plans by checking the box next to the required information. **Checking the box certifies to the City that you have completely and accurately addressed the issue.** If not applicable, indicate an “N/A” next to the box. Return this completed form at the time of application submittal.

If an exception or modification to the regulations is requested, the reason and/or request for each shall be provided directly on the plan and on a separate sheet on letterhead with sufficient details as to allow a determination by the appropriate approval body. Additional information may be required. Reference the specific requirement/s.

Plans are expected to be submitted complete and accurate in all detail as shown by the checklist. Should plans be determined to be incomplete, they may either be returned to the applicant without further review or marked up with needed changes, depending on the amount/magnitude of changes or corrections needed. Please keep in mind that changes/additions to previously incomplete or inaccurate plans may generate additional comments at re-submittal of corrected Plans. Therefore, diligence to the initial submittal is paramount to expediting the review process.

Included	Site Plan for Administrative Permit
<input type="checkbox"/>	1. Applicable Site Plan Fees
<input type="checkbox"/>	2. Civil and/or structural engineering plans.
<input type="checkbox"/>	3. Detailed Site Plan indicating required information as follows:
<input type="checkbox"/>	4. Location Map clearly showing the location of the subject property with cross streets us provided. Indicate scale of NTS
<input type="checkbox"/>	5. A written bar scale is provided
<input type="checkbox"/>	6. A title block is in the lower right corner that includes large, bold printed “Communication Antenna/Tower Site Plan”, owner and engineering names, addressed and phone numbers, subdivision name, lot number, block number or letter, submission date, and a log of submittal/revision dates.
<input type="checkbox"/>	7. Site or tower lease boundary (based on closed boundary survey) is indicated by a heavy solid line intermittent with two dashed lines, dimensioned with bearings and distances, lot lines, setback lines, and distance to the nearest cross street. If the tower location is part of a larger tract, parcel or lot, also indicate both the boundaries of the tower lease site and the larger property.
<input type="checkbox"/>	8. Indicate and label as appropriate, all existing and proposed improvements on site, including buildings, cabinets, driveways, walkways, parking areas, other structures, public ROW, etc.

<input type="checkbox"/>	9. Show and label ROW (streets and alleys), back of curbs or paving edges; below, at, or above grade utilities, driveways, and easement if proposed improvements are within a distance equal to or greater than the tower height or within 150 feet of any structure.
<input type="checkbox"/>	10. Access easements are accurately located, labeled and dimensioned.
<input type="checkbox"/>	11. Indicate required setback lines.
<input type="checkbox"/>	12. Adjacent property lines are shown by a light dashed line.
<input type="checkbox"/>	13. Adjacent property owners or subdivision name with lot, block, and recording information is shown.
<input type="checkbox"/>	14. Indicate zoning district and existing use (e.g. bank, vacant office building, etc.) of the subject and adjoining properties.
<input type="checkbox"/>	15. Accurately located footprint of nonresidential structures on abutting properties is/are shown by a light, solid line.
<input type="checkbox"/>	16. Indicate the location of and distance to off-site residential structures.
	17. Plan identify the support structure for antennae
<input type="checkbox"/>	18. Accurately located, labeled and dimensioned footprint of proposed structure (s) including walls, cabinets is/are shown by a solid heavy line.
<input type="checkbox"/>	19. There is no outdoor storage on any tower site.
<input type="checkbox"/>	20. Paved onsite parking for periodic maintenance and service is provided.
<input type="checkbox"/>	21. Paving materials, boundaries and type are indicated.
<input type="checkbox"/>	22. Where required to be shown, fire lanes are shown and dimensioned at a minimum of 24 feet in width, with internal radii of not less than 20 ft. Label and use a 20 percent shade for fire lanes to differentiate from other paving. Ensure that required labeling and dimensioning is readable through shading.
<input type="checkbox"/>	23. Existing tree masses are clouded with accurate canopy widths shown to determine critical root zone and what effects paving or construction will have in those areas.
<input type="checkbox"/>	24. All new towers or support structures are setback from the property line of any adjacent residentially zoned property a distance at least equal to the height of the tower, and are separated from all other adjacent property lines at least a distance equal to one half of the height of the tower.
<input type="checkbox"/>	25. Communication towers are shown and a fall distance/collapse zone is indicated. NOTE: if a setback of less than the height of the tower is requested, a structural engineer shall indicate the collapse point on the tower. The Director shall determine if the information is sufficient to make such a determination.
<input type="checkbox"/>	26. Towers are painted a neutral color consistent with the natural or built environment.
<input type="checkbox"/>	27. Equipment shelters or cabinets have an exterior finish compatible with the natural or built environment and also comply with design standards applicable to the specific zoning district where the facility is located. Where located on a lot, tract or parcel where another structure is located, screening walls are to be constructed of the same materials and finishes as the principle building on the property.
<input type="checkbox"/>	28. Description of stealth method is provided
<input type="checkbox"/>	29. Antennas attached to a building or disguised support structure are of a color identical to or closely compatible with the surface to which they are mounted.
<input type="checkbox"/>	30. Indicate the coordinated and height above ground level of the existing or proposed tower.
<input type="checkbox"/>	31. Elevation of proposed structures, pads, etc. is referenced to sea level datum.
<input type="checkbox"/>	32. Where required, existing contour lines are shown with a light dashed line and proposed contours are shown by a medium weight solid line. Topography is shown at minimum five foot contour interval referenced to sea level datum. Spot elevation and additional contours may be required in certain areas depending on topography.
<input type="checkbox"/>	33. Indicate required buffer and landscape areas

<input type="checkbox"/>	34. Towers are surrounded by a minimum 6-ft. masonry wall and landscape strip that is exterior to the masonry wall. The landscape area is a minimum 10-ft width and plated to provide a visual barrier to a minimum height of 6-ft.
<input type="checkbox"/>	35. An alternative means of screening is being requested and requires approval by the Planning and Zoning Commission.
<input type="checkbox"/>	36. Screening walls are shown with dimensions and materials. An inset is provided that shows the wall details and column placement as applicable. Plans for masonry walls are to be signed and sealed by a structural engineer and approved by the City Engineer. Channel or slab panel walls are not permitted.
<input type="checkbox"/>	37. The location and vegetation type of living screens are shown and labeled. Details of a living screen are provided and indicate plant species, common name, number of plants, plant specifications, and spacing.
<input type="checkbox"/>	38. Appropriate security measures are provided for all antennas and support structures. A description is provided as part of any application to install, build or modify antenna or support structure. Additional measurements may be required as a condition of the issuance of a building permit, as deemed necessary by the city.
<input type="checkbox"/>	39. Lighting for cabinets and shelters are illustrated and appropriately labeled. A description of the required lighting scheme is provided.
<input type="checkbox"/>	40. Where required, a lighting plan that shows location by fixture type is included. A lighting data chart is used to reference fixture type (i.e. pole or wall pack), maximum height, those requiring shielding, those requiring skirting, wattage and foot candles of each fixture. No lighting source (i.e. bulb, reflector, etc.) is allowed to be visible from adjacent property or public streets.
<input type="checkbox"/>	41. Designs and construction adhere to all standards in applicable state and local building codes, those published by the Electronics Industries Association, and those applicable to the construction of a tower as determined by the City, as amended.
<input type="checkbox"/>	42. All antennae and support structures meet or exceed current standards and regulations of the FAA, FCC, and any other local, state, or federal agency with authority to regulate antenna and support structures.

Included	Specific Use Permit (SUP) for New Tower Construction
<input type="checkbox"/>	1. Applicable SUP permit fee
<input type="checkbox"/>	2. The tower owner proved a notarized agreement committing to make said tower available for use by others subject to reasonable technical limitations and reasonable financial terms.
<input type="checkbox"/>	3. New Towers 60 ft. AGL or higher shall be designed and constructed to accommodate at least one additional user unless a larger number is indicated by the response to the notification provisions required below.
<input type="checkbox"/>	4. All known potential tower users have been notified in writing by certified mail of the tower application, and that at least 10 business days were allowed for responses. Proof of such delivery is provided with this application to the city (copy of letter, list of recipients, and copy of certification) Notification must include the following information:
<input type="checkbox"/>	a. Tower location;
<input type="checkbox"/>	b. Tower height;
<input type="checkbox"/>	c. Tower type and design;
<input type="checkbox"/>	d. Antennae type and frequency; and
<input type="checkbox"/>	e. That the party receiving notice is permitted to share the proposed tower and /or locate within 1 mile of such area.

<input type="checkbox"/>	5. The Planning Department has been provided an inventory of all towers with 1 1/2 miles of the city limits of the same ownership, including parent companies or subsidiary. Tower inventory shall include:
<input type="checkbox"/>	a. Tower reference name and/or number;
<input type="checkbox"/>	b. Street address or location description;
<input type="checkbox"/>	c. Latitude and longitude;
<input type="checkbox"/>	d. Structure type and height;
<input type="checkbox"/>	e. Mounting height and frequency of existing antennas; and
<input type="checkbox"/>	f. An assessment of available ground space for the placemen if additional equipment shelters.
	6. The Planning Department has been provided an inventory of all antennas owned or operated with 1 1/2 miles of the city limits of the same ownership, including parent companies or subsidiary. Antenna inventory shall include:
<input type="checkbox"/>	a. Antennae type, purpose, frequency, and reference name and/or number;
<input type="checkbox"/>	b. Street address or location description; and
<input type="checkbox"/>	c. Latitude and longitude
<input type="checkbox"/>	7. Provide a legal description of the property or lease site, labeled Exhibit A-legal description.
<input type="checkbox"/>	8. Provide detailed site plan, as outlined in the administrative permit checklist, labeled Exhibit B-Concept Plan.



# City of Rowlett

## Official Copy

Ordinance: ORD-017-08

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

File Number: 2008-254

Enactment Number: ORD-017-08

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 77 "DEVELOPMENT CODE" BY AMENDING SECTION 77-302 BY AMENDING SUBSECTION B "INSTITUTIONAL AND PUBLIC USES" TO PROVIDE FOR REGULATIONS FOR THE PLACEMENT OF TELECOMMUNICATION ANTENNAS AND SUPPORT STRUCTURES WITHIN THE CITY OF ROWLETT; TO ESTABLISH OTHER SAFETY AND WELFARE PROVISIONS REGULATING COMMUNICATION ANTENNAS AND SUPPORT STRUCTURES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY AFTER SUPPORT STRUCTURES; PROVIDING A SAVINGS CLAUSE; OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett in compliance with the laws of the State of Texas, and the ordinances of the City of Rowlett, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**Section 1:** That the City of Rowlett Code of Ordinances is amended by amending Chapter 77 "Development Code" by amending Section 77-302 subsection B to read as follows:

**B. Institutional and public uses.**

*1. Telecommunication Antennas.*

**A. Purpose.**

These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the city.
- (2) To enhance the ability of the providers of telecommunications services to provide such services to the community safely, effectively, and efficiently.
- (3) To provide regulations for antenna support structures and antennas that provide secure mounting and construction and prevent interference with public safety communications equipment.
- (4) To encourage the users of support structures and antennas to collocate where possible and to locate all facilities, to the extent possible, in areas where adverse impact on the community is minimal. Stealth designs are required for all antenna support structures, antennas, and supporting equipment.
- (5) To protect and enhance the city's environmental and aesthetic quality.

(6) To identify standards in order to ensure equitable treatment of providers of functionally equivalent telecommunications services.

**B. Applicability.**

(1) This article applies to all telecommunication towers, support structures, and antennas installed, built or modified unless exempted in (2) below.

(2) *Exemptions.*

(a) In any zoning district, antennas that are two meter or less in diameter including satellite earth stations.

(b) In any zoning district, any receive-only antennas and antenna support structures that are owned and operated by a federally licensed amateur radio station operator where the combined height does not exceed 40 feet provided an amateur radio antenna shall be installed according to manufacturer's requirements and approved by the building official.

(3) Support structures or antennas legally installed before adoption of this ordinance are not required to comply with this ordinance but must meet all applicable state and federal requirements, building codes, and safety standards. However, if a nonconforming structure is damaged or destroyed by any means to an extent where the replacement cost is greater than 50 percent of its appraised value at the time of damage or destruction as determined by the latest tax rolls, then such nonconformity shall not be re-established and such structure may only be rebuilt in compliance with the requirements of this Code except upon action by the board of adjustment to permit reconstruction of such structure and continuance of the nonconforming use. The Board of Adjustment shall have due regard for the rights of the person or persons affected, and shall consider such in regard to public welfare, character of the area surrounding, nature of the use in relation to the intent of the area, and the conservation, preservation and protection of property. In addition, no nonconforming structure shall be enlarged or extended to occupy a greater area than was occupied at the effective date of adoption or amendment of the regulations that make the structure nonconforming. Any nonconforming use on a lot or portion of a lot may be altered to decrease its nonconformity.

(4) An AM array shall be subject to these regulations. An AM array consisting of one or more support structure units and supporting ground equipment, which functions as one AM broadcasting antenna, shall be considered one support structure. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the support structures, including the guide wires, in the array. Additional support structure units may be added within the perimeter of the AM array by right.

**C. Definitions.**

(1) For the purposes of this Section, the following terms shall have the respective meanings as ascribed to them:

*Antenna:* Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communication signals. This definition excludes microwave and other dish structures.

*Antenna Support Structures:* The transmitting or receiving system, its supporting structures, and any appurtenances mounted thereon, including a free-standing structure built specifically to support or act as an antenna or a structure mounted on some other man-made object such as a building or bridge.

*Backhaul Network:* The lines that connect a communications provider's support structure/cell sites to one or more telephone switching offices and/or long distance providers, or the public switched telephone network.

**Collocation:** The use of a single-support structure and/or site by more than one communications provider. Collocation also means locating a telecommunications facility on an existing structure (for example: buildings, water tanks, towers, utility poles, etc.) without the need to construct a new support structure.

The Federal Aviation Administration

The Federal Communications Commission

**Height:** The distance measured from the finished grade of the parcel to the highest point on the support structure or other structure including the base pad and any antenna.

**Monopole:** A structure composed of a single spire used to support telecommunications equipment.

**Omni Antenna:** A thin, vertical, whip-type antenna that delivers an omni directional signal.

**Pre-Existing Support Structures and Pre-Existing Antennas:** Any support structure or antenna for which a building permit or use permit has been properly issued prior to the effective date of this ordinance, including permitted support structures or antennas that have not yet been constructed so long as such approval is current and not expired.

**Stealth Antenna Support Structure:** The design of a tower or tower structure that blends into the surrounding environment and is visually unobtrusive. Examples of a stealth design or tower are: architecturally screened, roof-mounted antenna/array/equipment; building-mounted antenna/array/equipment that is painted and treated as an architectural element to blend with the existing building; designs that conceal the antenna/array/equipment, such as manmade trees, clock towers, bell towers, steeples, light poles, and similar alternative-design mounting structures.

**Telecommunications Facility:** Any unmanned facility consisting of equipment for the transmission, switching, and/or receiving of wireless communications. Such facility may be elevated (either structure-mounted or ground-mounted) transmitting and receiving antennas, low-power mobile radio service base station equipment, and interconnection equipment. The categories of facility types include both roof and/or structure-mount facilities and telecommunications support structures.

**Telecommunication Tower:** A structure constructed for the purpose of supporting one or more antennas designed to transmit or receive wireless signals (i.e. cellular, radio, or television).

**Temporary Antenna:** An antenna and supporting equipment used on a temporary basis in conjunction with a special event, emergency situation, or in case of equipment failure.

**Transceiver Radio:** Radio equipment rectangular in shape that attaches to lighting fixtures and/or utility poles and meets wind load requirements. Transceiver radios may have an attached omni-directional whip antenna.

#### **D. General Requirements.**

- (1) Antennas and support structures may be considered either principal or accessory uses.
- (2) Antenna installations shall comply with all other requirements of all City Ordinances and the Zoning Ordinance with the exception of those specified within this Article.
- (3) All commercial attachments including but not limited to signs, flags, lights and attachments, other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be replaced on light standards that are altered or replaced to serve as antenna support structures with fixtures that comply with the lighting regulations of the City. However, this provision shall not preclude the inclusion of an antenna within or mounted on a flag pole.

- (4) All antennas and support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply within six months or as required by the regulating authority.
- (5) A building permit is required to erect or install an antenna, antenna support structure, and related equipment, unless the particular antenna is exempt from regulations of this Article. All installations must comply with applicable state and local building codes and the standards published by the Electronic Industries Association as may be amended from time to time. In addition to any other approvals required by this Section, no new antenna, tower, or support structure shall be erected prior to the issuance of a building permit.
- (6) All support structures and antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the City of Rowlett's radio frequencies and public safety operations as required by the FCC.
- (7) No commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires may be located within any required front, side, or rear yard setback.
- (8) All antennas and antenna support structures owned and/or operated by a governmental entity shall be permitted by right in any district.
- (9) Design.
- (a) Subject to the requirements of the FAA or any applicable state or federal agency, towers shall be painted a neutral color consistent with the natural or built environment of the site.
- (b) Stealth structures must be designed so they are reasonably consistent with the surrounding built or natural environment. In order to determine compliance with this requirement, the city will consider the following criteria:
- i. Scale;
  - ii. Color;
  - iii. The compatibility of the proposed facility with surrounding built and natural features;
  - iv. Extent to which the proposed facility has been designed to reasonably replicate a non-wireless facility; and
  - v. Extent to which the proposed facility is not readily identifiable as a wireless communications facility.
- (c) Towers shall not exceed the height limitations of any airport overly zone as may be adopted by the city.
- (d) Antenna attached to a building or stealth support structure shall be of a color identical to or closely compatible with the surface to which they are mounted.
- (e) All towers and equipment shelters or cabinets shall be surrounded by a minimum 6 foot high decorative wall constructed of (1) brick, stone or other approved materials as listed in this Code or (2) wrought iron fence and a landscape strip of not less than 10 feet in width planted with evergreen materials, which will provide a visual barrier to a minimum height of 6 feet within 2 years. The landscape strip shall be exterior to any security wall. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by administrative permit. An acceptable alternative shall be in accordance with living screen requirement of the Code, or by an equivalent method approved by the planning director where visual screening will be achieved that meet the intent of this Code.
- (f) If the equipment cabinets or storage buildings contain machinery that produces noise, the cabinet, or building shall be designed so that the noise is not perceptible outside the structure."
- (g) All towers and structures shall be set back from the property line of any adjacent

use, and any thoroughfare, collector and above as indicated on the Master Thoroughfare Plan, at least a distance equal to the height of the tower. An exception to this exists where there is provided an engineered break or collapse point of the tower, in which case the setback may be 110 percent of the distance of the breakpoint to the bottom of the tower. The setback shall consider the combined fall distance of the remaining supported base and any collapsed sections so as to prevent encroachment onto adjacent property, public street, overhead utility lines or ground or pad-mounted utility services.

(h) Vehicle or outdoor storage on any tower site is prohibited.

(i) On-site parking on an approved concrete surface for periodic maintenance and service must be provided at all antenna or tower locations consistent with the underlying zoning district.

(10) All antennas and support structures shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build, or modify antennas or support structures. Additional measures may be required as a condition of the issuance of a building permit and/or conditional use permit as deemed necessary.

(11) Temporary antennas shall only be allowed in the following instances:

(a) In conjunction with a festival, carnival, or other Special Event.

(b) In case of an emergency as required by the Police or Fire Departments.

(c) When needed to restore service on a temporary basis after failure of an antenna installation. The city must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven days, then the provider must acquire a permit for the use.

(12) Applicants must notify the city of any change in collocation or backhaul providers within 30 days of the exchange.

(13) *Obsolete non-complying tower structures.*

Any portion of a tower, which is not occupied by an active antenna for a period of six consecutive months, shall be removed at the owner's expense. Failure to comply with this provision shall constitute a public nuisance that may be remedied by the city at the tower or property owner's expense. Any applicant for a new tower or disguised structure shall place a bond or other security with the city prior to any final approval for the purpose of removing any tower or disguised structure as required herein and to compensate the city for performing proper maintenance of such towers or disguised structures to ensure such structures do not become unsafe or otherwise fail to be maintained in compliance with this Code. The bond or security shall be in the form approved by the planning director, and in the amount of \$15,000.00, or such other amount as is determined by the planning director to satisfy the requirements hereof with regard to the specific tower or structure to which it would apply.

(14) *Wind-load.*

A tower shall be designed with a minimum 90 mile per hour wind-load. The wind load characteristics of the tower shall consider the addition of up to two antennas.

#### **E. Collocation.**

*Collocation shall be accomplished as follows:*

(1) All new stealth support structures over 60 feet in height must be constructed to support antennas for at least two carriers unless the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment must also be provided. A written agreement committing to shared use as required by this subsection shall be submitted by the tower applicant prior to approval of the application. The failure of the owner of a tower built for shared use shall be in violation of this Ordinance and, among other remedies of

the City, shall be cause for the withholding of future permits to the same owner to install, build or modify antennae or towers within the city.

(2) *Telecommunications area map.*

Any tower approved within the city or ETJ, indicated within that jurisdiction on the telecommunications area map, shall be designed and constructed to accommodate the number of users indicated on the map to the extent feasible. The failure of the owner of the tower built for shared users to negotiate in good faith with potential users shall be a violation of this Code and, among other remedies of the city, shall be cause for the withholding or revocation of a conditional use permit.

(3) *Appeal of shared use violations.*

Any party seeking shared use of a tower subject to this provision shall, after responding to notice of an application, negotiate with the tower owner for such use. The tower owner may, on a legitimate and reasonable business basis, choose between multiple requests for shared use on the same tower or structure, and may reject any request where legitimate technical obstacles cannot be reasonable overcome or where the party requesting shared use will not agree to reasonable financial terms. Any party believing that the applicant has breached its duty to negotiate in good faith for shared use shall immediately notify the applicant and the planning director in writing. The planning director may reject the application upon a finding that shared use has been improperly denied. A notice of breach of duty shall explain the precise basis for the claim and shall be accompanied by payment of an administrative review fee as established by resolution of the city council. After the tower owner's receipt of the notice, the tower owner shall have ten calendar days to provide a written submission to the planning director responding to the alleged violation of the shared use requirement. If deemed necessary by the planning director, he/she may engage, at the cost of the party alleging the violation, a neutral, qualified technical consultant to provide an opinion on feasibility or costs of the shared use request. If the planning director receives a notice alleging a violation of the shared use requirement, the time for a decision on an administrative permit is automatically extended until the planning director has determined that the tower owner has complied.

(4) A support structure which is modified or reconstructed to accommodate collocation shall be of the same type or design as the existing structure and is subject to the following regulations:

(a) The support structure may be modified or rebuilt to a height not to exceed 30 feet over the support structure's existing height, with a maximum height of 150 feet above ground level (AGL). If a use permit issued for the support structure stipulated a maximum height, the support structure may not be modified unless the conditional use permit is amended.

(b) Distance separation from other support structures and residential zoning district boundaries are based on the original support structure and are not increased.

(c) The support structure may be moved on the same property within 50 feet of its existing location but may not be moved closer to residentially-zoned property. The new location must be within the boundaries of the conditional use permit.

(d) The original support structure must be removed from the property within 90 days of the completion of new support structure.

(e) Additional antennas attached to an existing support structure must comply with the design of the existing antenna on the support structure.

**F. Antennas and tower placement allowed by-right.**

The placement of antenna and towers are permitted by-right in all zoning districts only

as follows:

- (1) The attachment of additional or replacement of antenna or shelters to any tower existing on the effective date of this Code or subsequently approved in accordance with these regulations, provided that the additional equipment, shelters, or cabinets are located within the existing tower compound area.
- (2) The mounting of antenna on any existing building or structure, such as a water tower, provided that the presence of the antenna is concealed by architectural elements or painted a color identical to the surface to which they are attached.
- (3) The mounting of antenna on or within any existing high-voltage electric transmission tower, but not exceeding the height of such tower by more than ten feet.
- (4) The installation of antenna or the construction of a tower or support structure on building or land owned by the government.

**G. Antenna and tower placement allowed by administrative permit.**

The placement of antenna and towers as listed in this section shall be administratively approved by the planning department based upon compliance with the standards of this section.

- (1) Types of antenna and tower placement allowed by administrative permit.
  - (a) The attachment of additional or replacement antenna or shelters to any tower existing on the effective date of this Code or subsequently approved in accordance with these regulations and requiring the enlargement of the existing tower compound area, as long as all other requirements of this section and the underlying zoning district are met.
  - (b) The one-time replacement of any tower approved in accordance with these regulations, so long as the purpose of the replacement is to accommodate shared use of the site or to eliminate a safety hazard. The new tower shall be a monopole or stealth design. The height of the new tower may exceed that of the original by not more than 20 feet if such tower meets conditions herein. Subsequent replacements shall require the approval of a conditional use permit.
  - (c) The construction of a stealth support structure provided that all related equipment shall be placed underground or concealed within the structure when the structure is located in any district other than a district authorizing industrial uses. Equipment may be placed in a cabinet if the stealth support structure is incidental to a non-residential use.
  - (d) Towers erected and maintained for a period not to exceed 45 days for the purpose of replacing an existing tower, testing an existing or proposed network, or special events requiring mobile towers.

(2) *Application procedures.*

Applications for administrative permits shall be made on the appropriate forms to the planning director and accompanied by payment of a fee as may be established by the council.

(3) *Application requirements.*

- (a) A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating all existing and proposed improvements within 200 feet of the proposed antenna or tower, including buildings, drives, walkway, overhead utility lines, ground or pad-mounted utilities, parking areas, and other structures, public right-of-way, the zoning categories of the subject and adjoining properties, the location of the distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, and the coordinates and height AGL of the existing or proposed tower. The application shall describe the height, design, location, type and frequency of antenna, tower owner's name, longitude/latitude, antenna providers using the tower, etc.

(b) The application shall be reviewed by the planning director to determine compliance with the above standards and transmit the application for review and comments by other departments and public agencies as may be affected by the proposed facility.

(c) The planning director shall issue a decision on the permit within 45 days of the date of application, or the application shall be deemed approved unless the time period for review and action was extended pursuant to this section. The planning director may deny or approve the application as submitted or with such modifications as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens consistent with the purpose of this section. The planning director may consider the purposes of this section and the factors established in this Code, as well as any other considerations consistent with the Code. A decision to deny an application shall be made in writing and state the specific reasons for the denial.

(4) *Appeals.*

Appeals from the decision of the planning director shall be made pursuant to subchapter 777-813, Appeals of administrative decisions.

**H. Antennas and tower placement allowed by conditional use permit.**

Unless otherwise provided herein, all proposals to install or replace an antenna, tower, or support structure in any zoning district shall require the approval of a conditional use permit, subject to the following limitations:

(1) Applications for conditional use permits. Applications for conditional use permits shall be filed and processed subject to the requirements of and in the manner and time frame established by subchapter 77-807.

(2) *Additional minimum requirements.*

No conditional use permit shall be issued unless the applicant has clearly demonstrated that placement of an antenna or support structure pursuant to *Antenna and Tower Placement Allowed By-Right*, is not technologically or economically feasible. The planning and zoning commission may consider current or emerging industry standards and practices, among other information, in determining feasibility.

(3) *Findings Required.*

In addition to the determinations or limitations specified herein for the consideration of conditional use permits, the planning and zoning commission shall also base its decision upon, and shall make findings as to, the existence of the following conditions:

(a) The proposed tower is not and cannot be located to meet the co-location requirements of this section.

(b) No existing towers, structures, or buildings within the necessary geographic area for the applicant's tower network, or other limiting conditions that render towers, structures, or buildings within the applicant's required geographic area unsuitable.

(c) The design of the tower or structure, including the antenna, shelter, and ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this section. New towers shall be a stealth design.

(d) The proposal minimizes the number and/or size of towers or structures that will be required in the area.

(e) The applicant has not previously failed to take advantage of reasonable available shared use opportunities or procedures provided by this Code or otherwise.

(f) No land owned by any agency of the federal or state government, or by any political subdivision of the state, is available for locating the structure or tower.

**Section 2:** That all provisions of the Ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

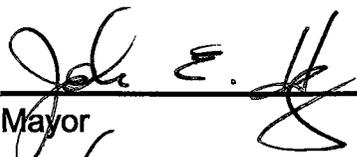
**Section 3:** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

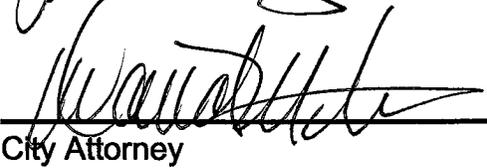
**Section 4:** Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance of the City of Rowlett, Texas, as amended hereby shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Rowlett, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**Section 5:** That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

At a meeting of the City Council on 7/1/2008, a motion was made by Councilmember Rushing, seconded by Councilmember Jackson, that this Ordinance be adopted. The motion passed by the following vote:

**Ayes:** 7 Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

Approved by  Date 7-2-08  
Mayor

Approved to Form by  Date 7/9/08  
City Attorney

Certified by  Date 7-9-08  
City Secretary

