

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMISSIONERS COURT OF NAVARRO COUNTY, TEXAS AMENDING THE NAVARRO COUNTY LAKESHORE AREA ZONING ORDINANCE REGARDING THE LOCATION, MAINTENANCE AND DISMANTLING OF ALL WIRELESS, MICROWAVE TOWERS, COMMON CARRIER TOWERS, CELLULAR, TELEVISION AND RADIO TELECOMMUNICATIONS TOWERS AND ANTENNAS.

WHEREAS, the Commissioners Court of Navarro County acknowledges that communications technology has produced an increased need for installation of towers and antennae; and

WHEREAS, the Commissioners Court of Navarro County desire to enact regulations which will permit the placement of communications towers and antennae in locations which will allow telecommunications services to be rendered in conformity with the authority in the federal Telecommunications Act of 1996, and the goals of the comprehensive plan and the Richland Chambers Lakeshore Area Zoning Ordinance to serve and protect the public health, safety, and general welfare;

NOW THEREFORE BE IT ORDAINED by the Commissioners Court of Navarro County, Texas:

That the Richland Chambers Lakeshore Area Zoning Ordinance is hereby amended and shall read as follows:

Telecommunication Towers and Antennas

1. **Purpose and Intent.**

The purpose of this section is to establish guidelines for the siting of all wireless, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennas. The regulations and requirements set forth herein are adopted for the following purposes:

- a. To provide for the location of communications towers and communications antennas in the Richland Chambers Lake area.
- b. To effect the visual impacts of communication towers and antennas through careful design, siting, landscape screening.
- c. To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services;
- d. To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;

- e. To consider public health, safety and welfare.

2. Definitions.

- a. Antennas or related equipment means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.
- b. Cellular antenna tower means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.
- c. Cellular telecommunications service means a retail telecommunications service that used radio signals transmitted through cell sites and mobile switching stations.
- d. Co-location means location two (2) for more transmission antennas or related equipment on the same cellular antenna tower.
- e. Guyed cellular antenna tower means a type of wireless transmission tower that is supported by guy wires.
- f. Lattice cellular antenna tower means a self-supporting tower with multiple legs and cross bracing of structural steel.
- g. Monopole cellular antenna tower means a slender self-supporting tower on which wireless antenna can be placed.
- h. Planning Commission means the Navarro County Lake Planning and Zoning Commission.

3. General.

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed with a special use permit in the following zoning districts: Agricultural, Industrial and Commercial.

4. Applicability.

This ordinance shall not govern any tower, or the installation of any antenna that is thirty-five (35) feet or less in height and is owned and operated by a federally licensed amateur radio station operation from the operator's residence.

Every utility, or company that is engaged in the business of providing the infrastructure to a utility, that proposes to construct a cellular antenna tower shall submit a completed application to the office of Planning and Development. Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

- a. The full name and address of the applicant.

- b. A geotechnical investigation report, signed and sealed by a professional engineer registered in the state of Texas that includes boring logs and foundation design recommendations.
- c. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard area.
- d. Clear directions from the City of Corsicana to the proposed site, including highway numbers and street names, if applicable.
- e. The lease or sale agreement for the property on which the tower is proposed to be located.
- f. In case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.
- g. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
- h. A site plan signed and sealed by a professional engineer registered in the state of Texas, that shows the proposed location of the tower and all easements and existing structures within two hundred (200) feet of the proposed site on the property on which the tower will be located.
- i. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in the state of Texas, indicating the height of the tower and the placement of all antennas.
- j. The tower and foundation design plans and a description of the standard according to which the tower was designed.
- k. A list of the property owners within two hundred (200) feet of the tower site or property contiguous to the site upon which the tower is proposed to be constructed.
- l. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use of the specific property involved.
- m. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there no reasonable available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.
- n. A map of the area in which the tower is proposed to be located that clearly depicts the necessary search are within which an antenna tower should, pursuant to radio frequency requirements, be located.

- o. A grid map that shows the location of all existing cellular antenna towers and that indicated the general position of proposed construction sites for new cellular antenna towers within an area that includes, the entire planning commissions jurisdiction.

5. **Setbacks.**

Setbacks for all structures constructed in connection with guyed or lattice cellular antenna towers, shall be a minimum distance from the property line or lease line equal to at least one-half (1/2) the height of the tower, but not less than fifty (50) feet.

6. **Height.**

A cellular antenna tower may be constructed to a maximum height of two hundred (200) feet. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of the building and tower together, measured from the grade to the highest point.

7. **Illumination.**

Cellular towers shall not be illuminated, except in accordance with other state or federal regulations.

8. **Fencing and screening.**

Woven Wire or Chain link or solid fences made from wood shall be used to enclose the site. Such fences shall not be more than eight (8) feet in height, and may be located within the front, side, or rear yard. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line and a ten (10) foot setback.

9. **Criteria.**

All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.

All option and site lease agreements shall not prohibit the possibility of co-location, and in the case of abandonment, shall include a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.

The planning commission may deny a special use application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate on any new or existing towers or other structures.

The planning commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2004.

Alan Bristol, County Judge

Kit Herrington, Commissioner Precinct 1

Olin Nickelberry, Commissioner Precinct 2

William Baldwin, Commissioner Precinct 3

John Paul Ross, Commissioner Precinct 4

ATTEST:

Sherry Dowd, County Clerk

APPROVED AND ADOPTED
AUGUST 9th, 2004