

INSTALLATION/REPLACEMENT OF CELL TOWERS WITHIN TARRANT COUNTY JURISDICTION

Precinct #: _____ Permit #: _____

Date: _____ Fee Collected: _____

Firm Name: _____

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

Proposed Start Date: _____

Proposed Location: _____

Description of Proposed Work: _____

NEW COMMUNICATION FACILITY

Height: _____ Distance to Nearest Residential Subdivision: _____

EXTENSION OF EXISTING COMMUNICATION FACILITY

Existing Height: _____ Proposed Height: _____

Distance to Nearest Residential Subdivision: _____

REPLACEMENT OF EXISTING COMMUNICATION FACILITY

Existing Height: _____ Proposed Height: _____

Distance to Nearest Residential Subdivision: _____

Distance Between Existing and Proposed Towers: _____

Proposed Date to Remove Existing Facility: _____

(Must be within 14 days of erecting new facility.)

OTHER _____

Submission must include a plat or map with the proposed location of the communication facility in relation to the residential subdivision sealed by a Registered Professional Land Surveyor. The plat or map must include a radius of 300 feet from the base of the center of the proposed structure extending to the boundary of the subdivision. The plat or map must include the maximum height of the structure. Please provide State Plane North American Datum (NAD 83 x,y coordinates) of the center of the structure.

The submission must also include all necessary FCC and/or FAA permits.

Contact Joseph Jackson at (817) 884-1153, 24 hours prior to working in County jurisdiction.

Transportation Services Department

Signature of Firm Name Representative

Printed Name of Firm Name Representative

STAFF USE:

- Location Map Attached
- 300' Radius Shown on Aerial
- Proposed Structure 300' or more from Existing Residential Subdivision
- Proposed Extension Less than 10'
- Distance between proposed & existing structure less than 50 feet

Does this permit require a Court Variance? Yes _____ No _____

Tarrant County
Transportation Services Department
100 E Weatherford, Suite 401
Fort Worth, TX 76196
(817)884-1153 office
(817)884-1178 fax



REGULATION OF COMMUNICATION FACILITY STRUCTURES

Section 1 - - Definitions

For purposes of this regulation, passed pursuant to Subchapter E of Chapter 240 of the Texas Local Government Code, the following definitions apply throughout this regulation.

1.1 "Residential subdivision" means a subdivision:

- (A) for which a plat is recorded in the county real property records;
- (B) in which the majority of the lots are subject to deed restrictions limiting the lots to residential use; and
- (C) that includes at least five (5) lots that have existing residential structures.

1.2 "Communication facility structure" means:

- (A) antenna support structures for mobile and wireless telecommunication facilities, whip antennas, panel antennas, microwave dishes, or receive-only satellite dishes;
- (B) cell enhancers and related equipment for wireless transmission from a sender to one or more receivers for mobile telephones, mobile radio systems facilities, commercial radio service, or other services or receivers; and
- (C) a monopole tower, a steel lattice tower, or any other communication tower supporting mobile and wireless telecommunication facilities.

Section 2 -- APPLICABILITY

- 2.1 These regulations apply in the unincorporated area of Tarrant County, Texas.
- 2.2 The following are not considered a “construction of a communication facility structure” and these regulations do not apply to:
- (A) existing communication facilities or other structures used for the purpose of co-location, provided the height is not increased by more than ten (10) feet;
 - (B) a communication facility structure built to replace an existing communication facility structure if:
 - (1) the replacement communication facility structure is constructed within 50 feet of the existing communication facility structure;
 - (2) the replacement communication facility structure is no higher than and constructed for the same purpose as the existing communication facility structure; and
 - (3) the existing communication facility structure is removed not later than the 14th day after the date the replacement communication facility begins operations.

OR

- (C) a communications antenna, antenna facility, or antenna tower or support structure located in a residential area that is used by an amateur radio operator exclusively for amateur radio communications or public safety services.

Section 3 -- AUTHORITY OF COUNTY TO REGULATE

- 3.01 Tarrant County, Texas adopts these regulations in order to regulate the location of communication facility structures in the unincorporated areas by requiring permits or variance permits for the construction of a communication facility structure.

Section 4 -- LOCATION OF COMMUNICATION FACILITY STRUCTURE

- 4.1 Commissioners Court of Tarrant County, Texas prohibits the construction of a communication facility structure within 300 feet of a residential subdivision.

- 4.2 Commissioners Court of Tarrant County, Texas prohibits the construction of a communication facility structure within the distance of the length of the height of the communication facility structure from a residential subdivision if the communication facility structure is longer/higher than 300 feet.
- 4.3 The Director of Transportation Services may not grant a permit in violation of this Section.
- 4.4 All measurements must occur in a straight line from the location of the base of the communication facility structure tower to the boundary of the residential subdivision.

Section 5 -- CONTENTS OF AN APPLICATION FOR PERMIT

- 5.1 Prior to construction commencing, the person proposing to construct the communication facility structure must file with Director of Transportation Services, the following:
 - (A) a statement informing the County that the construction is proposed and providing the date on or after which the construction is proposed to begin;
 - (B) copies of any necessary permits from the Federal Communications Commission or Federal Aviation Administration;
 - (C) a plat or map of the specific proposed location of the communication facility structure showing the location of any residential subdivision within a distance of 300 feet or the length of the height of the communication facility structure, whichever is greater;
 - (D) the contact name, correct phone number and address of the entity primarily responsible for the construction; and
 - (E) an application for a permit to construct a new communication facility structure, to expand an existing communication facility structure in the manner not governed by the exemption described in Section 2 of these Regulations, or a request seeking a variance from these regulations, must also include a check or money order in the amount of \$50.00 payable to Tarrant County, Texas.
- 5.2 With regard to the plat or map, a licensed surveyor shall prepare the plat or map and certify that no residential subdivisions are within the proscribed distance. In the event that a residential subdivision is within 300 feet of the communication facility structure or within the distance of the length of the height of the communication facility structure, the surveyor shall certify the precise distance between the residential subdivision and the communication facility structure.

Section 6 - - VARIANCES

- 6.1** The Director of Transportation Services may not grant a variance.
- 6.2** A person who desires to construct or increase the height of a communication facility structure in violation of these regulations may apply to the Commissioners Court of Tarrant County, Texas for a variance from the regulation by first filing the request for variance with the Director of Transportation Services.
- 6.3** The request for variance must be filed with the Commissioners Court Secretary within ten (10) days of the denial of the application for permit or request for variance by the Director of Transportation Services.
- 6.4** The Commissioners Court may allow a variance from a regulation if the Commissioners Court find that:
- (A) a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship; and
 - (B) the granting of the relief would:
 - (1) result in substantial justice being done;
 - (2) not be contrary to the public interest; and
 - (3) be in accordance with the spirit of the regulation and this subchapter.
- 6.5** On the date of filing the request for variance, the applicant must post an outdoor sign on the location of the proposed communication facility structure visible from the residential subdivision and printed in the following form:
- (A) “An Application for communication facility structure is pending for this property”;
 - (B) the name and business address of the applicant;
 - (C) the sign must be at least 24 inches by 36 inches in size and the lettering must be at least two (2) inches in size; and
 - (D) the sign must be in English and Spanish.
- 6.6** In the event that the Commissioners Court makes the appropriate findings, it shall order the Director of Transportation Services to issue a variance permit for the location.

Section 7 - - OFFENSES

7.01 It is an offense under state law for the owner of a communication facility structure, for the operator of a communication facility structure, for the constructor of a communication facility structure, or for the landowner on which a communication facility structure is located to allow the construction of a communication facility structure governed by these regulations without a valid permit issued by the Director of Transportation Services. Such an offense is punishable as a Class C misdemeanor.

Section 8 - - INJUNCTION

8.01 Commissioners Court may request the Tarrant County Criminal District Attorney to enjoin the violation or threatened violation of these regulations.

Section 9 - - EFFECTIVE DATE OF REGULATION

This Regulation of Communication Facility Structures takes effect on July 5, 2005.

Court Order # 95702, 07/05/2005