



Special Use Permit Application

Section 12.2 of City of Eagle Pass Code of Ordinances Appendix A was adopted for the purpose of regulating the placement of new cellular phone or transmission signal towers or antenna in the City of Eagle Pass. This code was enacted in accordance with the home rule powers of the city, granted under the Texas Constitution and the statutes of the state, including but not by way of limitation, Article 974a. The City Council adoption of *Section 12.2* declared that the regulation of cell phone towers and antenna was necessary for the protection of public health and safety.

A *Special Use Permit* from the City Council is required for the construction of a tower or the placement of an antenna for cellular service in the City of Eagle Pass.

Applicant:

Name: _____

Contact: _____

Address: _____

Phone: _____

City: _____

Fax: _____

State: _____ Zip: _____

E-mail: _____

Signature: _____

Property Owner:

Name: _____

Contact: _____

Address: _____

Phone: _____

City: _____

Fax: _____

State: _____ Zip: _____

E-mail: _____

Signature: _____

Project Engineer:

Name: _____

Contact: _____

Address: _____

Phone: _____

City: _____

Fax: _____

State: _____ Zip: _____

E-mail: _____

Signature: _____

Project Information

Property Legal Description: _____

Legal Description of Lease Area, if applicable: _____

Maverick County Property Identification Number(s): _____

Location: _____

Gross Acreage: _____

Zoning: _____

Height of tower: _____

Distance from tower to nearest residential unit: _____

Distance from tower from platted, residentially-zoned properties: _____

Distance from tower to un-platted, residentially-zoned properties: _____

Separation distance from the tower to other cellular towers: _____

Site Plan Information Requirements

This application for a *Special Use Permit* shall be accompanied by a site plan, drawn to scale, and development drawings that contain the following information:

- The location, type and height of the proposed tower
- On-site land uses and zoning
- Adjacent land uses and zoning
- Separation from off-site uses, as required by Section 12.2(b)(2)(v)
- Adjacent streets
- Proposed means of access
- Distance setbacks from property lines, as required by Section 12.2(b)(2)(iv)
- Elevation drawings of the proposed tower and any other structures
- Topography
- Off-street parking
- Landscape plan showing specific landscape materials, as required in Section 12.2(b)(2)(vii)
- Method of fencing and screening, as set forth in Section 12.2(b)(2)(vi)
- Finished color of tower and any other structures
- Security lighting and illumination
- Design details of the tower prepared by a Texas-licensed engineer
- Other information deemed by the Planning Department as necessary to assess compliance with City Code.

Any information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer licensed by the State of Texas.

Please respond to the following specific questions to demonstrate compliance with City Code

Describe how your project will comply with all applicable federal, state, and city laws.

Identify the location(s) of any other cellular tower sites inside the City that you own or operate.

Demonstrate that no existing tower, structure or alternate technology can accommodate your project requirements. This may include documentation indicating that (a) no existing towers or structures are located within the geographic areas that meet your engineering requirements, (b) existing towers or structures are not of sufficient height to meet your engineering requirements, (c) existing towers or structures do not have sufficient structural strength to support your proposed antenna and related equipment, (d) your proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, (e) the antenna on the existing towers or structures would cause interference with your proposed antenna, (f) the fees, costs, or contractual provisions required by the owner of an existing tower to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable, or (g) alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.

Describe whether the design of the tower of the tower will accommodate collocation of additional antennas for future users.

Factors considered by the Eagle Pass City Council in their deliberation of the application

In granting a *Special Use Permit*, the City Council may impose conditions to the extent the Planning Department concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

In addition to any standards for consideration of a *Special Use Permit* application pursuant to *Section 12.2*, the City Council shall consider the following factors in determining whether to issue a *Special Use Permit*, although the City Council may waive or reduce the burden on the applicant of one (1) or more of these criteria if the Planning Department or the City Council concludes that the goals of *Section 12.2* are better served thereby:

- Height of the proposed tower
- Proximity of the tower to residential structures and residential district boundaries
- Nature of uses on adjacent and nearby properties
- Surrounding topography
- Surrounding tree coverage and foliage
- Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
- Proposed ingress and egress
- Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures

Setback, separation, security fencing, and landscaping requirements

Setbacks. The following setback requirements shall apply to all towers for which a *Special Use Permit* is required; provided, however, that the City Council, after considering the recommendation of the Planning Department, may reduce the standard setback requirements if the goals of Section 12.2 would be better served thereby:

- Towers must be set back a distance equal to at least 75-percent of the height of the tower from any adjoining lot line.
- Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

Separation. The following separation requirements shall apply to all towers and antennas for which a *Special Use Permit* is required; PROVIDED, however, that the City Council, after considering the recommendations of the Planning Department, may reduce the standard separation requirements if the goals of Section 12.2 would be better served thereby.

- Separation from off-site uses/designated areas. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as follows:
 - (a) Single-family or duplex residential units, including modular homes and mobile homes used for living purposes: Separation distance of 200-feet or 300-percent of tower height, whichever is greater.
 - (b) Vacant single-family or duplex residentially-zoned land that is either platted or has preliminary subdivision plat approval that has not expired: Separation distance of 200-feet or 300-percent of tower, as measured from the base of the tower to the closest building setback line, whichever is greater.
 - (c) Vacant un-platted residentially-zoned lands, including any un-platted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex: Separation distance of 100-feet or 100-percent of tower height, whichever is greater.
 - (d) Existing multi-family residential units greater than duplex units: Separation distance of 100-feet or 100-percent of tower height, whichever is greater.
 - (e) Non-residentially-zoned lands or non-residential uses: No separation distance required; only required setbacks apply.
- Separation requirements for towers shall comply with the following minimum standards:
 - (a) Single-family or duplex residential units, including modular homes and mobile homes used for living purposes: Separation distance of 200-feet or 300-percent of tower height, whichever is greater.
 - (b) Vacant single-family or duplex residentially-zoned land that is either platted or has preliminary subdivision plat approval that has not expired: Separation distance of 200-feet or 300-percent of tower, as measured from the base of the tower to the closest building setback line, whichever is greater.
 - (c) Vacant un-platted residentially-zoned lands, including any un-platted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex: Separation distance of 100-feet or 100-percent of tower height, whichever is greater.
 - (d) Existing multi-family residential units greater than duplex units: Separation distance of 100-feet or 100-percent of tower height, whichever is greater.
 - (e) Non-residentially-zoned lands or non-residential uses: No separation distance required; only required setbacks apply.
- Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances, listed in linear feet, shall be as follows:
 - (a) New lattice tower: 5,000-linear-foot separation distance from existing lattice tower, 5,000-linear-foot separation distance from existing guyed wire tower, 1,500-linear-foot separation distance from existing

monopole 75-feet or greater in height, and 750-linear-foot separation from existing monopole less than 75-feet in height

- (b) New guyed-wire tower: 5,000-linear-foot separation distance from existing lattice tower, 5,000-linear-foot separation distance from existing guyed wire tower, 1,500-linear-foot separation distance from existing monopole 75-feet or greater in height, and 750-linear-foot separation from existing monopole less than 75-feet in height
- (c) New monopole tower 75-feet or greater in height: 1,500-linear-foot separation distance from existing lattice tower, 1,500-linear-foot separation distance from existing guyed wire tower, 1,500-linear-foot separation distance from existing monopole 75-feet or greater in height, and 750-linear-feet from a monopole less than 75-feet in height.
- (d) New monopole tower less than 75-feet in height: 750-linear-feet from an existing lattice tower, 750-linear-feet from an existing guyed-wire tower, 750-linear-feet from an existing monopole 75-feet or greater in height, and 750-linear-feet from an existing monopole less than 75-feet in height.

Security fencing. Towers shall be enclosed by security fencing not less than 6-feet in height, and shall also be equipped with an appropriate anti-climbing device; PROVIDED, however, that the City Council, after considering the recommendations of the Planning Department, may waive such requirements as they deem appropriate.

Landscaping. The following requirements shall govern the landscaping surrounding towers for which a Special Use Permit is required; PROVIDED, however, that the City Council, after considering the recommendation of the Planning Department, may waive such requirements if the goals of *Section 12.2* would be better served by such waiver:

- Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least 4-feet wide outside the perimeter of the compound.
- In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, natural growth around the property perimeter, if adequately preserved, may be sufficient buffer.

PRINCIPAL CONTACT: _____ Owner _____ Applicant _____ Engineer _____

City communication regarding this application will be directed only to the designated principal contact.

STATEMENT OF APPLICANT

The information contained in this Special Use Permit application contains true and accurate information provided to the best of my ability. I acknowledge that the City of Eagle Pass will use the information contained herein as the basis for the review of the application's conformance with the provisions of *Section 12.2 of City of Eagle Pass Code of Ordinances Appendix A*.

Applicant Signature

Date

CITY OF EAGLE PASS PLANNING DEPARTMENT USE ONLY:

Case Number: _____

Date Application Received: _____

Date Application Determined Complete: _____

Fees Collected: \$ _____ for _____

 \$ _____ for _____

 \$ _____ for _____

 \$ _____ for _____
