

# **INFORMATION & REFERENCE GUIDE**

### **Tower Applications 2015-16**







www.houstontx.gov

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#### OVERVIEW

This Planning and Development Department Reference Guide provides a summary of the requirements for tower applications. The City of Houston requires a tower permit for towers 60' or higher located in the City limits, prior to obtaining a building permit. Although Houston has no zoning, we do regulate towers according to Chapter 28 Article XVI requirements.

A public hearing, to take place at a scheduled Tower Commission meeting, is necessary if a waiver is requested, or if a protest has been filed concerning the proposed tower.

For complete information about requirements or possible exemptions, please refer to the Ordinance, Ch 28 Article XVI – Regulation of Towers, available at <a href="www.municode.com">www.municode.com</a>. Please also refer to <a href="www.municode.com">www.municode.com</a>. Please also refer to <a href="www.municode.com">www.municode.com</a>.

#### **PRESUBMITTAL**

**Contacts** (See Appendix M.)

### Colocation

- Collocation of proposed new antennae arrays on an existing tower are privately negotiated
  agreements between the tower owner and interested parties. In many cases a colocator can
  proceed directly to the building permit process (with a different office of the City.)
- A current "No Zoning" letter, available on our website, is utilized by some applicants for colocation.
- If the tower is not structurally capable of supporting the proposed collocation, then a replacement tower permit may be requested by the original tower permit holder in some cases (permits issued before April 14, 1998.). See all Ordinance details regarding a replacement.
- If there is no original permit, then a new tower permit is required, even if there is an existing tower that is proposed to be replaced or rebuilt in the vicinity of the current tower.
- If a valid tower permit is available, that tower location can apply for a new permit to alter the permitted tower. See Ordinance details.
- Some Houston towers were constructed before the City's Tower Ordinance, and did not need
  permits at that time. However, these towers must comply with current requirements.
- The proposed collocating entity negotiates any and all terms of responsibility for permitting privately.

### **Zoning and Feasibility Studies**

- There is not traditional land use zoning in Houston. However, because the Tower industry used the term "zoning" to mean land use regulations, this summary may be useful.
- Refer to the Tower Ordinance for all details and specifics.
- Tower permits are required for new towers, 60' or more, proposed to be constructed in the City limits of Houston.
- Tower permits must precede building permits. For your planning purposes, tower permits typically run 2-3 months in processing time.
- Tower permits are administered by the Planning and Development Department at 611 Walker Street, 6th floor, in Houston, TX, by a responsible Planner.
- Building permits are administered PWE, and Site Plan review team; located at 1002 Washington (Houston Permitting Center) since 2011. Check web page for details.
- This Ordinance primarily addresses issues of proximity of proposed towers to residential land and other described uses.
- We do not currently administer or oversee lease space negotiations, and we do not issue conforming use certificates.
- Harris County issues appropriate building permits for development within the city's ETJ. Their
  office is located at 10000 Northwest Freeway, Suite 102, Houston, Texas, 77092, and can be
  contacted at 713.956.3000. Their web site is www.eng.hctx.net. There may be other Counties
  who also have jurisdiction.
- When seeking a permit for a tower in Houston, there may be other Ordinance requirements to also be met. These requirements are outside of the Tower Ordinance administration, and may include:
- Chapter 19 Flood-prone Areas
- Chapter 26 Off- Street Parking and Loading
- Chapter 28 Miscellaneous (including Hotel Motel, Correctional Facilities)
- Chapter 29 Manufactured Homes and Recreational Vehicles
- Chapter 33 Planning and Development (Trees, Shrubs, and Screening Fences)
- Chapter 40 Streets and Sidewalks
- Chapter 41 Subdivisions Generally (Naming Private Streets)
- Chapter 42 Subdivision Platting
- Chapter 47 Water and Sewers.

### **TIMELINE**

The typical time frame for the application process, from the initial submission of a complete application to obtaining a tower permit, is usually anticipated to be 90 days. All time frames are subject to change based on project specifics. The following are applicant deadlines for the tower permit application submittal process:

- A complete application and notification package should be submitted to a Planner on the Tower team in the City's Planning and Development Department on the 6<sup>th</sup> floor of 611 Walker, Houston, 77002, normally by appointment.
- There is no specific deadline to submit an application, however, application appointments are often scheduled on Mondays from 10:15-11:00AM. Call 832.393.6600 for an appointment.
- Staff will review all materials and establish a date of completion within 10 days of the initial application submission.
- When a completion date has been established, a review cycle may follow. See the diagram on the following page for an example of a typical review cycle.
- "Days" refers to calendar days.

Please refer to the Ordinance for all specific requirements.

### **Pre-Submission**

**Determine Jurisdiction** 



### City of Houston

- Obtain 911 address
- Review applicable ordinances
- Determine percent residential and if a waiver is needed
- Obtain necessary submission items and schedule an appointment

### **ETJ**

• Confer with appropriate County

### **Tower Application Submission**

- · Submit application to planner
- Receive application number, receipt, and completion date
- Within 6 days of completion date
   7 days of completion date
   10 days of completion date
   Staff sends notices
- 37 days after the completion date, the protest period closes



### SUBMITTAL REQUIREMENTS – NEW Tower Application

28, S	cations proposing a new tower within the City limits are subject to the requirements of Chapter ections 530-531. The following materials must be provided to the Planning and Development rtment prior to consideration of the application:
	Application Form (complete, with the 911 address, see "Appendix A" for example)
	<b>Land Use Map</b> (indicating all land uses within the Residential Test Area and Setback Area by tract; scale 1"-200', black and white. See "Appendices B and C" for requirements and an example.)
	<b>Title Report</b> (current within 30 days of the application, signed by title examiner. City Planning Letters and current Nothing Further letters also accepted. State the legal description, current ownership, and any existing easements and applicable restrictions. If none, must state "None of Record".)
	<b>Deed Restriction Affidavit</b> (complete, notarized, per the standard departmental form, Include the 911 address. See "Appendix D" for an example.)
	Notification Package (complete, see additional guidelines.)
	Detailed Site Plan (two copies, indicating the overall height of the structure above grade.)
	Waiver Requests and Supporting Materials (if applicable – 12-15 sets, see "Appendix E" for examples.)
	Fees (must be paid in full; yearly adjustments per Finance Department section of the City's web page. Checks payable to the City of Houston.)
	Electronic Copy of Application and Documents (complete, either on a Compact Disc or flash drive.)

### **SUBMITTAL REQUIREMENTS – EXEMPTED Tower Application (Optional)**

Applications proposing a tower within the City limits may be exempt from applying for a tower permit prior to receiving a building permit if the tower meets any of the items under Chapter 28, Section 523. A formal exempted tower application is not required, but may assist in expediting the application for a building permit. To receive an exemption notice to attach to a building permit application, the following materials can be provided to the Planning and Development Department:

<b>Application Form</b> (complete with the applicable 911 address. Note "exempt" on top of form.)
Cover Letter (identifying the proposed reason for exemption per Ch 28-523.)
Additional Supporting Documents (and as requested by staff.)

### SUBMITTAL REQUIREMENTS – REPLACEMENT Tower Application

Applications proposing a replacement tower within the City limits are subject to the requirements of Chapter 28, Section 522(c). Please contact staff to inquire about the submittal requirements of any applications that may qualify as a replacement tower.

### **NOTIFICATION PACKAGE**

Chapter 28 requires notification for all new tower permit applications and waivers. See Sections 28-530(b) and 28-531 for specific notification provisions. The following information must be included within the "notification package" submitted to staff by the submittal deadline:

<b>County Appraisal District Record</b> (copy of record or tax statement for <u>each</u> property within the Residential Test Area. Record or statement must be less than 30 days old when submitted. See "Appendix F". Property information can be found on <u>www.hcad.org</u> )
<b>Notification List</b> (include names and addresses of property owners to be notified, including civic organizations, superneighborhoods, property owner associations, council members, or any other interested groups.)
<u>Stamped</u> (not metered) Envelopes (addressed to <u>each</u> property owner in the notice area. The return address area must be left blank. See "Appendix G". Please note that metered envelopes are <u>not</u> acceptable because the postage is valid only for the meter date. In cases which the appraisal district records or tax statements show the same owner name and owner address for multiple property accounts, only one envelope is needed for that owner/address.)
<b>Excel Spreadsheet (</b> with notification envelope information: "owner line 1", "owner line 2", "address line 1", "address line 2", "City", "State", "Zip Code", "Legal Description", "Property Address" and "Property Zip Code." See "Appendix H".) Should include all property owners, Superneighborhood representatives, and civic groups to be notified.)
Draft Legal Notice (see "Appendix I"; and evidence of payment arrangements.)
<b>Draft Notification Sign</b> (per 28-529, also see "Appendix J") and <b>Site Signage Locator Map</b> (which clearly shows the location of each notification sign posted within the property. See "Appendix $K$ ".)

### **NOTIFICATION SITE SIGNAGE**

further instructions.

One <b>Notification Sign</b> is required facing <u>each</u> street or private roadway adjacent to the subject site.
<ul> <li>The <u>site address</u> must appear on the sign. Please include the project reference number provided by the City of Houston at submittal</li> </ul>
<ul> <li>Minimum Sign Size: 4 feet by 8 feet</li> <li>Sign Location: not more than 15 feet from each street or private roadway</li> <li>Sign Lettering: must be legible from the street or private roadway</li> </ul>
The date, time, and place of the meeting at which the Commission will consider the application, updated to reflect any changes in the date, time, and place of the meeting. Contact information for both the applicant and the main number for the Planning and Development Department should be included on the sign.
Failure to maintain signs on site until final action by the Commission may result in deferral or disapproval of application
The sign should be removed after Tower permit action has been taken and before the permit is issued. Dated photographic proof that the signed has been removed should be emailed to the assigned planner.

☐ If no street or private roadway borders the site, if the street or private roadway is not improved, or if more than four (4) signs would be required, please contact the Planning Department for

### **Tower Quick-Check List**

New Tow	ver Submittal Requirements:
	Completed Application Form Land Use Map Title Report Deed Restriction Affidavit Notification Package Detailed Site Plan Waiver Requests and Supporting Materials (if applicable) Fee Receipt Electronic Copy of Application and Documents
Exempte	d Tower Submittal Requirements (optional process):
	Completed Application Form Cover Letter Additional Supporting Documents
Replacer	ment Tower Submittal Requirements:
	Contact staff
Notification	n Package Requirements:
	County Appraisal District Record Notification List Envelopes Excel Spreadsheet Draft Legal Notice Draft Notification Sign
	Sign Posted on Time Sign Minimum Size Sign Location(s) Sign Lettering Sign Content Sign Photos Site Signage Locator Map Correct information (phone numbers, file number, etc.)

### **Appendix A** (Example: Application Form)

**Planning and Development Department** 

### **Tower Permit Application**

Date: 01-01-2014 File Lambert Zip Council Key District Location # Code # (Facet) Map Site address 123 1/2 Tower Street 14-T-0001 \_77007\_ \_5359\_ \_492M\_ **Tower Company:** Tall Things, Inc. **Property Owner:** Jane Doe Address: 456 Communications Blvd Address: 789 Industry Way 77007 City: Houston State: TX Zip: 77007 Citv: Houston State: Zip: **Contact Person:** John Doe **Phone** & e-832-555-5555, john.doe@tallthings.net mail: Type of Tower Monopole  $\boxtimes$ New  $\boxtimes$ Cellular M Lattice Alteration Microwave **Guyed Tower** Replacement Radio Television Camouflage Exempt **Base of Tower Height of Tower** Deed Restrictions  $\bowtie$  $\bowtie$ On Grade Existing: Yes Attached to a Building Proposed: 75′ No Latitude and Longitude: 29-45-35.5N, 95-22-02.6W Latitude and Longitude X = 3120858.78Y = 13841714.68 Coordinates: **Location of Tower** No  $\boxtimes$ Within a historic district? Yes  $\boxtimes$ Yes No Within 1,320 feet of a historic district or landmark?  $\boxtimes$ Yes No Within a scenic area or park? Within 1,000 feet of an existing tower? Yes No 1002 Distance to nearest residence or residential lot:

#### **CERTIFICATION OF TOWER PERMIT APPLICATION**

- (1) I am the owner of the property included in this tower permit application, or I am authorized by the owner of the property to make this application.
- (2) I have investigated all of the facts contained within this affidavit. I understand that the City of Houston will rely on this certification in reviewing this tower application to which this affidavit appertains, and that all statements contained herein are true and correct as to matters of personal knowledge.

Signature of applicant or agent: (insert signature)

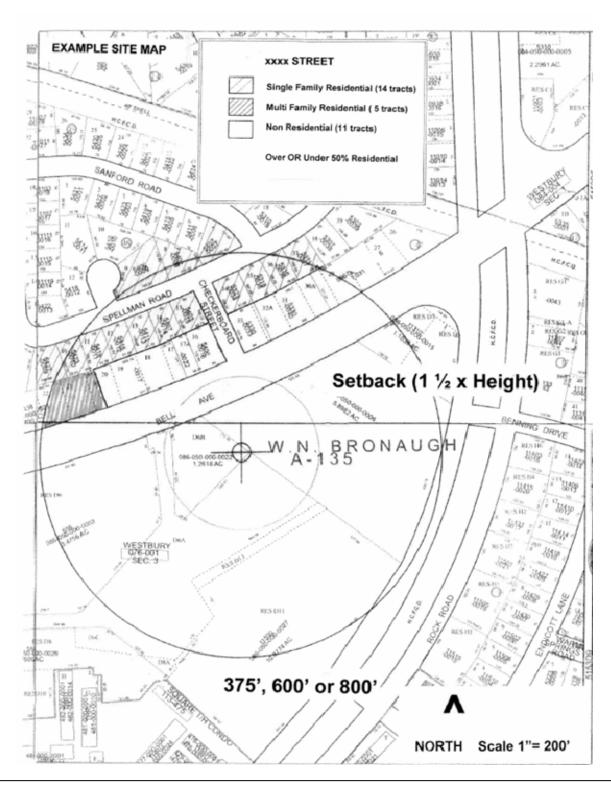
Print Name and contact e-mail: John Doe, john.doe@tallthings.net

## Appendix B (Requirements: Land Use Map)

### Map Information to be provided:

	Title block and legend, including site address Land use within the Residential Test Area and Setback Area should be shown by tract with circles, drawn and labeled, that clearly depict each area. Refer to Chapter 28-521 for Residential Test Area and Setback Area definitions Include additional radii relating to the proximity of the proposed tower to any
	adjacent towers that are pertinent to the current application  State on the map: "Under 50% residential land use" or "50% or greater residential land use," per your calculations of the ordinance-defined requirements
Land Us	e Calculation Method:
	If more than half of the tracts are residential, it is over 50% residential. Count tracts based on a scale print from www.hcad.org. Dotted lines count as one tract to determine percentage. Exclude rights-of-way from calculations Note that HCAD may show condos as single family instead of multi-family. If vacant, refer to original plat for lot layout and count accordingly; one vacant tract may have been 2-3 lots. Lots may also be evaluated per original recorded plat, although current land use prevails at this time
	Number of tracts per type:  Non-residential =  Single-family residential (Lots count as one) =  Multifamily residential (MF):  Square footage of portion of tract inside test area = sq ft  Square footage divided by 43560 = acres  Multiply acres by 8 =multifamily equivalency
	Calculate percentage:  Total number of tracts = 100%, then: tracts non-residential divided by total = %  Single-family + multifamily equivalency = number of residential tracts  Tracts residential divided by total = %
Graphic	Requirements: (see following example)
	Use a basic black and white land use diagram from <a href="www.hcad.org">www.hcad.org</a> at a scale of 1" = 200', showing the HCAD numbers for each parcel Single-family residential parcels lightly cross-hatched (optional yellow color) Multi-family residential parcels cross-hatched heavier (optional orange color) Non-residential land use, including public rights-of-way, not cross-hatched (white Include additional labels for sensitive use parcels

Appendix C (Example: Land Use Site Map)



Example shown above is not to scale. Submitted applications must have a map measurable at a scale of 1" = 200'

The setback distance is 1.5 times the base height of the tower. To determine the notification area, see the definition of "residential test area" in Chapter 28 of the Ordinance. Map is ideally in black and white, for reproduction requirements.

## Appendix D (Example: Deed Restriction Affidavit)

Houston Tower Ordinance

Date:

Deed Restriction Affidavit

I, \_\_\_\_\_, am personally familiar with the title to the real property herein described as: \_\_\_\_\_ to which the requested permit appertains and that the intended use will not violate any applicable deed restriction.

Applicant - affiant

SWORN TO AND SUBSCRIBED Before me, the undersigned authority on this \_\_\_\_\_ dar of \_\_\_\_\_, 19 \_\_\_\_\_ to certify which witness by my hand and seal of office.

Notary Public in and for the State of Texas

Seal

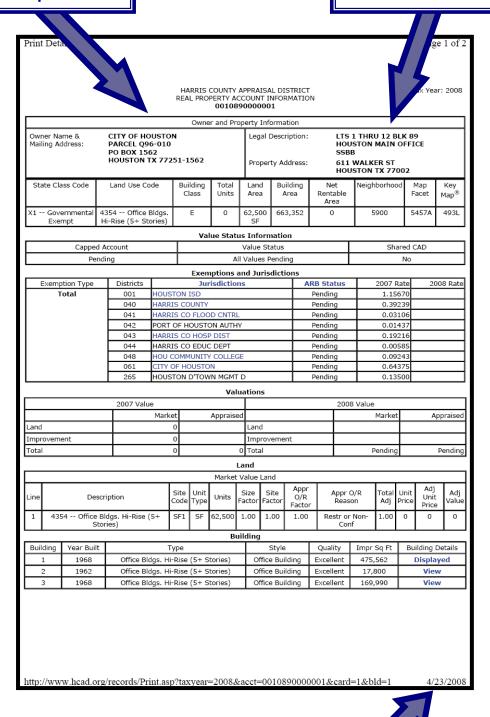
# Appendix E (Example: Waiver Request Form)

Н	louston Tower Commission	File No.:		
٦	Tower Permit Waiver Application	Date:	/	/
ΑI	PPLICANT INFORMATION:			
S	ite address:			
Т	ower Company:			
С	Contact person: Title:			
Ρ	Phone: / FAX: / Emai	il:		
co. ap	ne waiver application request must be completed in full and include the lored coded maps. Applicants must provide 12 copies minimum of suplication. A separate application is required for <u>each</u> waiver. Attach natals.	apporting docur	mentation v	vith the waiver
W	AIVER REQUEST:			
Sp	ecify City Code reference and standard subject to waiver:			
Re	eason for waiver:			
W	AIVER JUSTIFICATION:			
fi∨	Illowing a public hearing, the Tower Commission is authorized to conside provisions delineated in Chapter 28, Article XVI, Section 28-532. Provies following conditions with a response for justification of the waiver for ea	de an attachme	nt to this fo	
1.	a literal application of this article will result in undue and unnecessary l account any federal or state licenses the applicant may have received			
2.	the waiver, if granted, will not be contrary to the public interest as imple	emented in this	article beca	ause;
3.	consistent with the city's police power authority over towers, the waiver public health, safety, or welfare because;	r, if granted, will	l not be det	rimental to the
4.	the waiver, if granted, will not result in a violation of any other applicable enforceable by the city because; and	le ordinance, re	gulation or	statue
5.	the waiver, if granted, will not result in the violation of any applicable de location of a tower in a park because	eed restriction o	or zoning re	gulation or the
	ower permit applications that do not comply with Section 28-524(h) regard andard must also complete <b>Tower Permit Waiver Application – Page 2</b>		oot tower s	eparation
W	AIVER APPLICATION CERTIFICATION			
l c	ertify that all the information on this application is true and correct.			
	Signature of applicant or agent:			
	Print Name:			

## Appendix F (Example: County Appraisal District Record)

Owner Name & Mailing Address for Notification Envelopes

Legal Description may be placed on the bottom-left corner of the Notification



Document "Print Date" must be within 30 days of the application submittal date

**Appendix G** (Example: Notification Envelopes)

Notification Envelope must be stamped, not metered, with the correct postage.

City of Houston Planning and Development Department Development Services Division PO Box 1562 Houston, TX 77251-1562

> City of Houston Parcel Q96-010 P.O. Box 1562 Houston, TX 77251-1562

LTS 1 THRU 12 BLK 89 Houston Main Office SSBB

Include Legal Description
listed on the County Appraisal
District Record

Address to the owner listed on the County Appraisal District Record

### **Appendix H**

(Example: Notification Spreadsheet)

Owner Line 1	Owner Line 2	Address Line 1	Address Line 2	Owner City	Owner State	Owner Zip	Legal Description	Property Address	Property Zip Code
							LTS 1 THRU 12 BLK 89		
							HOUSTON MAIN OFFICE		
CITY OF HOUSTON	PARCEL Q96-010	PO BOX 1562		HOUSTON	TX	77251-1562	SSBB	611 WALKER ST	77002
							LTS 1, 2 AND 4 BLK 2 ANY		
JOHN	DOE	123 ANY ST	APT 10	ANYTOWN	TX	12345-1234	SUBDIVISION	123 PROPERTY ST	77002
ANY BUSINESS		324 ANY ST		ANYTOWN	TX	12345-5555	RES A ANY SUBDIVISION	456 BUSINESS ST	77002

## Appendix I (Example: Legal Notice)

### NOTICE OF PROPOSED TOWER CONSTRUCTION

Owner: Tall Things, Inc.

File # 15-T-xxxx (insert assigned number)

Site Location 123 1/2 Tower Street

Houston TX 77007

Lot X Block Y Subdivision (or Survey Abstract 123)

Use Cellular Height 100'

(If applicable only; if waiver or protest):

A public hearing will be

held at theTower

Commission meeting

on Monday, February x, 2015

at 3:30 p.m. The location of

this meeting is the

Council Chamber,

City Hall Annex,

901 Bagby.

Additional information

may be obtained by

writing or calling:

Tower Applicant:

Mr. John Doe

832 555 5555

123 Westheimer St

Houston TX 77042

City of Houston:

Planning & Development

Dept 832 393 6600

PO Box 1562 Houston

TX 77251-1562

## Appendix J (Example: Site Notification Sign)

### PROPOSED TOWER SITE

Site Address: INSERT SITE ADDRESS HERE

Tower Owner: INSERT COMPANY App

Application #: INSERT #

STREET ADDRESS CITY, ST ZIP

Application Completion Date: INSERT MO/YR (optional)

Tower Applicant: INSERT NAME Maximum

Maximum Tower Height (Above Grade): NSERT

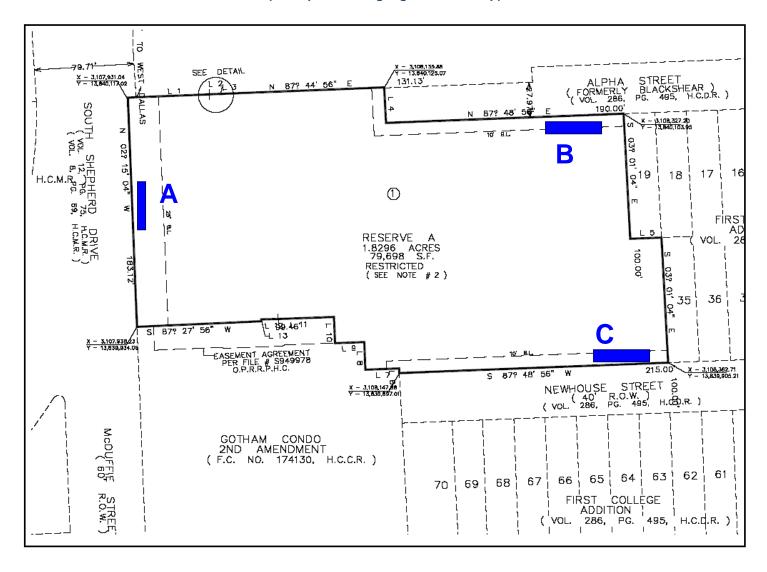
Additional information may be obtained by writing or calling:

INSERT APPLICANT NAME, COMPANY

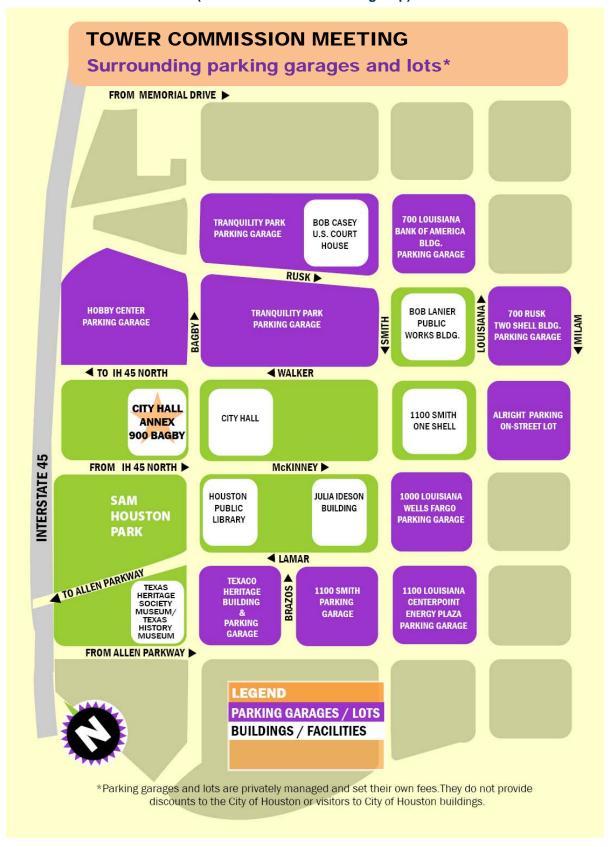
APPLICANT PHONE NUMBER(S) INSERT PHONE NUMBER(S)

Or by contacting the City of Houston Planning and Development Department at (832) 393-6600 <u>www.houstontx.gov</u>

**Appendix K**(Example: Site Signage Locator Map)



## Appendix L (Tower Commission Parking Map)



## Appendix M (Contacts)

### **Houston Tower Contacts**

There are various resource contacts related to the Tower Industry in and around the City of Houston. Most can be contacted through the City's main number. Additional contacts, **as of 1/15**, are also listed below:

### City of Houston's main number (For all inquiries in City limits):

713.837.0311 or <u>www.houston311.org</u>

### Regarding Tower Commission (Hears tower waiver requests and protests):

Contact via PD Tower Planner at 832.393.6600, 611 Walker 6th Floor

### Regarding Tower (Structures) permitting, per Chapter 28 (formerly Ch 41):

Planning and Development Department (PD) (Administers administrative permits)

832.393.6600 (Ask for a Tower Group Staff Planner)

### Regarding Facilities (including DAS/ Small Cells) in City ROW (Rights of Way):

Administration & Regulatory Affairs Department (ARA) Rosalinda Salazar, Senior Staff Analyst 832.393.8529
Rosalinda.salazar@houstontx.gov

Juan Olguin, Assistant Director, ARA 832.393.8528

City Engineer's Office (PWE) Tim Lincoln, City Engineer 832.394.9140 Tim.Lincoln@houstontx.gov

### Regarding a Lease to locate facilities on City Property (such as at a Fire Station or Plant Site):

General Services (GSD) Ms. Rupa Bhalla, Sr. Real Estate Manager 832.393.8061

### Regarding obtaining a 911 Street Address (Various contacts include:)

For new site addresses: Planning and Development Department (PD) 832.393.6600 (Ask for PD Addressing team)

For supplemental ("1/2") addressing at existing addresses: Public Works and Engineering (PWE) 832.394.8899 (Direct number to PWE Addressing)

### Regarding PWE Building permitting (after PD Tower permit):

Ron Livingston Residential One Stop, 1002 Washington 832. 394.9096

### **Regarding Geographic Data relative to Towers:**

MyCity (Map Viewer via PD Department's web page: <a href="http://mycity.houstontx.gov/home/">http://mycity.houstontx.gov/home/</a>)

### **Regarding Harris County Tower Permitting**

Travis Meeks 713.316.3536

### Regarding Additional Contacts in other regional Municipalities or Counties:

See various web pages (i.e. via an on line search)

# Appendix N (Ordinance citations as of 2014; use Ch 28 for submission forms)

EXHIBIT A

RENUMBERING OF "REGULATION OF TOWERS"

Original Numbering	Numbering as Amended
41-50	28-521
41-51	28-522
41-52	28-523
41-53	28-524
41-53.1	28-525
41-54	28-526
41-55	28-527
41-56	28-528
41-56.1	28-529
41-57	28-530
41-58	28-531
41-59	28-532
41-60	28-533
41-61	28-534
41-62	28-535
41-62.1	28-536
41-63	28-537
41-64	28-538
41-64.1	28-539
41-65	28-540
41-65.1	28-541
41-66	28-542
41-67	28-543