

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ADOPTING THE CITY OF ALLEN DESIGN MANUAL FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CHAPTER 284; DESIGNATING THE CITY'S CENTRAL BUSINESS DISTRICT AS A HISTORIC DISTRICT; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE FUTURE AMENDMENTS TO THE DESIGN MANUAL; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE COLLOCATION OF EQUIPMENT ON CITY SERVICE POLES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 284 of the Local Government Code, effective September 1, 2017, provides a regulatory framework governing the installation of Nodes and Node Support Poles in the City's Right-of-Way; and,

**WHEREAS**, pursuant to Chapter 284, Network Providers installing wireless equipment in the City's Right-of-Way must comply with the Design Manual adopted by the City for that purpose; and,

**WHEREAS**, Chapter 284 authorizes the City to designate Design Districts and Historic Districts, wherein heightened aesthetic requirements may be applied to such equipment; and,

**WHEREAS**, the City of Allen has determined that the Central Business District of the City shall be designated as an historic district, for purposes of Chapter 284, in order to preserve the character and aesthetic qualities of this area; and,

**WHEREAS**, the City Council, in the exercise of its legislative discretion, has concluded that the attached Design Manual should be approved.

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

**SECTION 1.** The following area of the City of Allen is hereby designated as a Historic District for the installation of network nodes and node support poles, pursuant to Chapter 284 of the Local Government Code:

The areas designated on the City's Zoning Map as the Central Business District with its boundaries defined in the Comprehensive Plan, adopted by the Allen City Council.

**SECTION 2.** The Allen Design Manual for the Installation of Network Nodes and Node Support Poles, attached hereto as Exhibit "A", is hereby adopted. All Network Providers seeking to install wireless equipment in the right-of-way of the City of Allen pursuant to Chapter 284 of the Local Government Code must comply with this Design Manual.

**SECTION 3.** The City Manager, or designee, is hereby authorized to amend the Design Manual as he determines necessary to reflect changed conditions.

**SECTION 4.** The City Manager, or designee, is hereby authorized to approve collocation of equipment on City service poles, provided such installation is pursuant to a permit issued in accordance with the City's Right-of-Way Management ordinance, and the equipment is installed in accordance with the Design Manual, adopted herein.

**SECTION 5.** All provisions of the ordinances of the City of Allen in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Allen not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 6.** If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

**SECTION 7.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ALLEN, TEXAS, ON THIS THE 22<sup>ND</sup> DAY OF AUGUST 2017.**

**APPROVED:**

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**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(aga:8/14/2017:89123)

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**Shelley B. George, TRMC, CITY SECRETARY**

**EXHIBIT “A”**

**City of Allen  
Design Manual**