

**AISD ILA Amendment****INTERLOCAL AGREEMENT AMENDMENT REVIEW SHEET****Amendment:**

Consider an ordinance amending the School District Land Development Standards Agreement between the City of Austin and the Austin Independent School District related to site development standards associated with telecommunication towers.

**Proposed Language:**

See attached draft Agreement amendment.

**Summary of proposed changes:**

The proposed amendment modifies the existing Agreement to allow Telecommunication Towers as a permitted use on school campus property regardless of zoning designation and establishes applicable development standards for towers which include:

- 120-ft maximum tower height;
- 120-ft setback from abutting residential property zoned SF-5 or more restrictive or developed with a single-family, duplex, or two-family residential use;
- 300-ft setback from property that is zoned as a historic landmark (H) or historic area (HD) combining district or included in a National Register District;
- 50-ft setback from a Day Care Services (commercial) use; and
- Telecommunication tower may not be located within a Critical Water Quality Zone

**Background:**

On June 16, 2022, via Resolution No. 20220616-090 (attached), City Council directed the City Manager prepare an agreement with the District that will support the District's efforts to improve telecommunication services on and around all school campuses, including providing for site development standards associated with telecommunication towers.

This amendment modifies the existing Agreement between the District and the City, which was initially established in 1994 and has been modified and extended a number of times. The proposed language was developed with input from staff in Development Services, Watershed Protection, and Law, and is modeled after the site development standards for Telecommunication Towers found in LDC Section 25-2-839 in conjunction with the existing provisions of the Agreement.

**Staff Recommendation:**

Staff recommends approval of the proposed amendment as it will allow the District to partner with private telecommunication service providers to construct telecommunication towers on school property and provide free telecommunication services to students and their families in the surrounding community for education purposes.

**Board and Commission Actions**

January 11, 2023 - Community Technology and Telecommunications Commission approved the draft recommendation on Chair Pitts' motion, Commissioner Yeatts' second on an 8-0 vote.

May 9, 2023 – Planning Commission Public Hearing

**Council Action**

August 11, 1994 - Council approved Ordinance No. 940811-F authorizing execution of development agreements with Austin Independent School District (District).

June 16, 2022 - Council approved Resolution No. 20220616-090 directing the City Manager to prepare an agreement with the District relating to telecommunications facilities on District campuses and associated site development standards.

May 18, 2023 – Conduct Council public hearing

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**SIXTH AMENDMENT TO THE SCHOOL DISTRICT LAND  
DEVELOPMENT STANDARDS AGREEMENT BETWEEN  
THE CITY OF AUSTIN AND  
THE AUSTIN INDEPENDENT SCHOOL DISTRICT**

**STATE OF TEXAS**

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**COUNTY OF TRAVIS**

§

**KNOW ALL**

**BY THESE PRESENTS:**

This Sixth Amendment to the School District Land Development Standards Agreement (“Sixth Amendment”) is made and entered into by and between the City of Austin, Texas, a home-rule city and municipal corporation located primarily in Travis County, Texas (“City”) and the Austin Independent School District (“School District”) under the provision of the Local Government Code, Section 212.902.

**RECITALS**

**WHEREAS**, the City and the School District executed the School District Land Development Standards Agreement (the “Original Agreement”) on September 22, 1994, in accordance with Section 212.902 of the Texas Local Government Code; and

**WHEREAS**, the Original Agreement was amended and restated in February 1997 (the “Amended and Restated Agreement”), which Agreement was received for filing in the City Clerk’s Office on February 11, 1997; and

**WHEREAS**, the Amended and Restated Agreement was amended by that certain Second Amendment to School District Land Development Standards Agreement between the City and the School District dated effective February 27, 2006; and

**WHEREAS**, the Amended and Restated Agreement was amended by that certain Third Amendment to School District Land Development Standards Agreement between the City and the School District dated effective April 10, 2010; and

**WHEREAS**, the Amended and Restated Agreement was amended by that certain Fourth Amendment to School District Land Development Standards Agreement between the City and the School District dated effective January 22, 2018; and

**WHEREAS**, the Amended and Restated Agreement was amended by that certain Fifth Amendment to School District Land Development Standards Agreement between the City and the School District dated effective March 28, 2019 (the Amended and Restated Agreement as amended by the Second, Third, Fourth and Fifth Amendments is hereafter referred to as the “Agreement”); and

**WHEREAS**, the Agreement provides that it may be amended if the amendment is approved and signed by both parties; and

**WHEREAS**, the City and the School District desire to further amend the Agreement; and

**WHEREAS**, Austin Independent School District is seeking to improve telecommunication services on and around all campuses by providing free services to their students and their families for educational purposes where Internet access has historically been limited;

**WHEREAS**, Council approved Resolution No. 20220616-090 on June 16, 2022, directing the City Manager to support the District's efforts to improve telecommunication service on and around all school campuses, including providing for site development standards associated with telecommunication towers

**NOW THEREFORE**, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the School District agree as follows:

1. Section 1.2 is amended to read:

**Section 1.2 Applicable Only to School Buildings and Accessory Improvements.**

The modification of the ordinance provisions set forth in this Agreement apply only to school buildings and specifically addressed accessory improvements, including telecommunication towers on school building sites. This Agreement does not waive any fee or modify any ordinance of the city for an administration, service or athletic facility proposed for construction by the School District separate and apart from an elementary or secondary school.

2. A new Section 2.12 is added to read:

**Section 2.12 Telecommunication Towers**

**2.12.1. Applicability.**

This section applies to a telecommunication tower ("tower") located on a school building site.

**2.12.2 Standards.**

- A. A tower that complies with the requirements of this section is permitted on any school building site.

- B. A tower may not exceed a height of 120 feet and the antenna array may not exceed the tower height by more than 10 feet.
- C. A tower may not be located:
  - 1. within 120 feet of an abutting residential property zoned SF-5 or more restrictive or developed with a single-family, duplex, or two-family residential use;
  - 2. on or within 300 feet of a property that is zoned as a historic landmark (H) or historic area (HD) combining district or included in a National Register District;
  - 3. within 50 feet of a day care services (commercial) use; or
  - 4. within 50 feet of a dwelling unit.
- D. A tower must be of monopole construction and designed to accommodate at least two antenna array.
- E. Guys and guy anchors must be at least 20 feet from an adjoining property.
- F. A tower must be enclosed by security fencing and screened from street view by landscaping or opaque fencing at least six feet high.
- G. A tower must be identified by a sign visible from outside the screening. The sign must state in letters at least two inches height the name and telephone number of the tower manager and the Federal Communications Commission license number.
- H. A tower must be constructed in accordance with the most recent American National Standard Institute structural standards for steel antenna towers.

### **2.12.3 Development Regulations**

- A. A site plan is not required for construction of a tower that complies with the criteria in Section 2.11 of this Agreement.
- B. A tower may not be located within a critical water quality zone.
- C. Notwithstanding the limitation in Paragraph B, above, the critical water quality zone boundaries may be reduced within a suburban watershed to not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if the overall surface area of the critical water quality zone is the same or greater than the surface area that would

be provided without the reduction, as prescribed in the Environmental Criteria Manual, to facilitate tower construction.

- D. A tower may be allowed in the fully developed floodplain, with attached equipment no lower than one foot above the 100-year floodplain elevation. The School District shall provide the City with a study certified by a professional engineer in the State of Texas that indicates such placement will not cause an adverse flooding impact to other properties, and such study shall require the approval of the City before a permit may be issued.

3. All provisions of the Agreement not specifically amended herein shall remain in effect.

**IN WITNESS WHEREOF**, this Agreement is made and executed to effective as of the last date signed by the parties.

**CITY OF AUSTIN:**

**AUSTIN INDEPENDENT  
SCHOOL DISTRICT:**

By: \_\_\_\_\_

Jesús Garza

Interim City Manager

By: \_\_\_\_\_

Arati Singh

President, Board of Trustees

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_

Assistant City Attorney

**RESOLUTION NO. 20220616-090**

**WHEREAS**, providing ongoing and coordinated digital services to meet the needs of the community by ensuring that all residents have access to internet connectivity, hardware availability, digital literacy training, and access to relevant information is a goal established in the Imagine Austin Comprehensive Plan; and

**WHEREAS**, a primary goal established in Imagine Austin is that everyone in Austin is provided with an equal opportunity for the highest quality of education that allows them to fully develop their potential and ensure that our children receive the resources and services they need to thrive and learn; and

**WHEREAS**, too many families do not have reliable access to speedy internet access for homework, studying, and other general educational purposes; and

**WHEREAS**, over 20 percent of students in the Austin Independent School District (District) have been using hot-spots; and

**WHEREAS**, between March 2020 and July 2022, nearly 30,000 hot-spots have been used to connect District students to the internet, at a cost of \$7,171,242 for delivery of hot-spots; and

**WHEREAS**, the District is seeking to improve telecommunication services on and around all campuses by providing free services to their students and their families for educational purposes where internet access has historically been limited through the development of telecommunication towers on school campuses; and

**WHEREAS**, the District desires to establish the site development standards for the telecommunications towers; and

**WHEREAS**, Texas Local Government Code Section 212.902 authorizes the City and District to enter into an agreement related to land development standards applicable to District property; **NOW THEREFORE**,

**BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Manager is directed to draft an agreement with the District that will support the District's efforts to improve telecommunication services on and around all school campuses, including providing for site development standards associated with telecommunication towers, and to present the agreement and an ordinance adopting the agreement to City Council for consideration.

**ADOPTED:** June 16, 2022 **ATTEST:** Stephanie Hall for  
Myrna Rios  
City Clerk