

ORDINANCE NO. 20230518-059

**AN ORDINANCE ADOPTING AN AMENDMENT TO THE SCHOOL DISTRICT
LAND DEVELOPMENT STANDARDS AGREEMENT BETWEEN THE CITY
OF AUSTIN AND THE AUSTIN INDEPENDENT SCHOOL DISTRICT TO
PROVIDE SITE DEVELOPMENT STANDARDS ASSOCIATED WITH
TELECOMMUNICATION TOWERS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS

- (A) The City of Austin ("City") and the Austin Independent School District ("School District") entered into that certain School District Land Development Standards Agreement on September 22, 1994 ("Original Agreement"), in accordance with Section 212.902 of the Texas Local Government Code.
- (B) The City and the School District subsequently amended the Original Agreement on February 11, 1997, on February 27, 2006, on April 10, 2010, on January 22, 2018, and on March 28, 2019.
- (C) Council approved Resolution No. 20220616-090 on June 16, 2022, directing the City Manager to support the School District's efforts to improve telecommunication service on and around all school campuses, including providing for site development standards associated with telecommunication towers.

PART 2. APPROVAL OF AGREEMENT

Council authorizes the City Manager to execute an amendment to the School District Land Development Standards Agreement with Austin Independent School District, attached here as Exhibit A, to provide site development standards associated with telecommunication towers.

PART 3. This ordinance takes effect on May 29, 2023.

PASSED AND APPROVED

May 18, 2023

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§



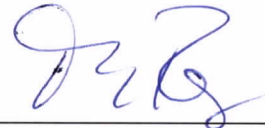
Kirk Watson
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Myrna Rios
City Clerk

EXHIBIT A

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

STATE OF TEXAS	§	
	§	KNOW ALL
COUNTY OF TRAVIS	§	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 provisions 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

EXHIBIT A

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; and

WHEREAS, Council approved Resolution No. 20220616-090 on June 16, 2022, directing the City Manager to support the School 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.

EXHIBIT A

- 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 arrays.
- 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 high 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 Standards 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

EXHIBIT A

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 be 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