

Memorandum



DATE September 4, 2015

TO Members of the Economic Development Committee:
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,
Carolyn King Arnold, B. Adam McGough

SUBJECT **Proposed Amendments to Cell Tower Regulations – Notification Requirements and Form District Standards**

On Tuesday, September 8, you will be briefed on proposed amendments to the Development Code regarding provisions for cell towers in form districts (Article XIII) and notification area requirements for SUPs for cell towers. The City Plan Commission recommended approval of the proposed amendments on May 21, 2015. A copy of the briefing is attached. Please contact David Cossum at 670-4127 should you have any questions or need additional information.

Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Proposed Amendments to Cell Tower Regulations - Notification Requirements and Form District Standards

Economic Development Committee

September 8, 2015



Background

- During review of the application to modify the tower/antenna for cellular communication use regulations, staff and the Zoning Ordinance Committee (ZOC) identified two issues not included in the applicants' requests.
- Zoning Ordinance Committee (ZOC) discussed the item 3 times in March and April.
- On April 16, 2015 ZOC recommended approval of the amendments.
- On May 21, 2015 City Plan Commission (CPC) recommended approval.

Two Issues

1. **Specific Use Permit (SUP) Notification** – SUP notification areas for tower/antennas are often 200 feet from the area of request.
2. **Article XIII** – Monopole cellular towers do not comply with Form District Open Space development type configurations.

SUP Notification

Current Code

Application for original SUP [Section 51A-1.105(a)(4)]:

<i>0-1 acre</i>	<i>200 feet</i>
<i>over 1 acre to 5 acres</i>	<i>300 feet</i>
<i>over 5 acres to 25 acres</i>	<i>400 feet</i>
<i>over 25 acres</i>	<i>500 feet</i>

- The SUP area of request for a monopole cell tower is often limited to a small lease area (less than an acre) within a larger parcel.
- Often, this results in a small notification area where only a few land owners are notified of the SUP application.

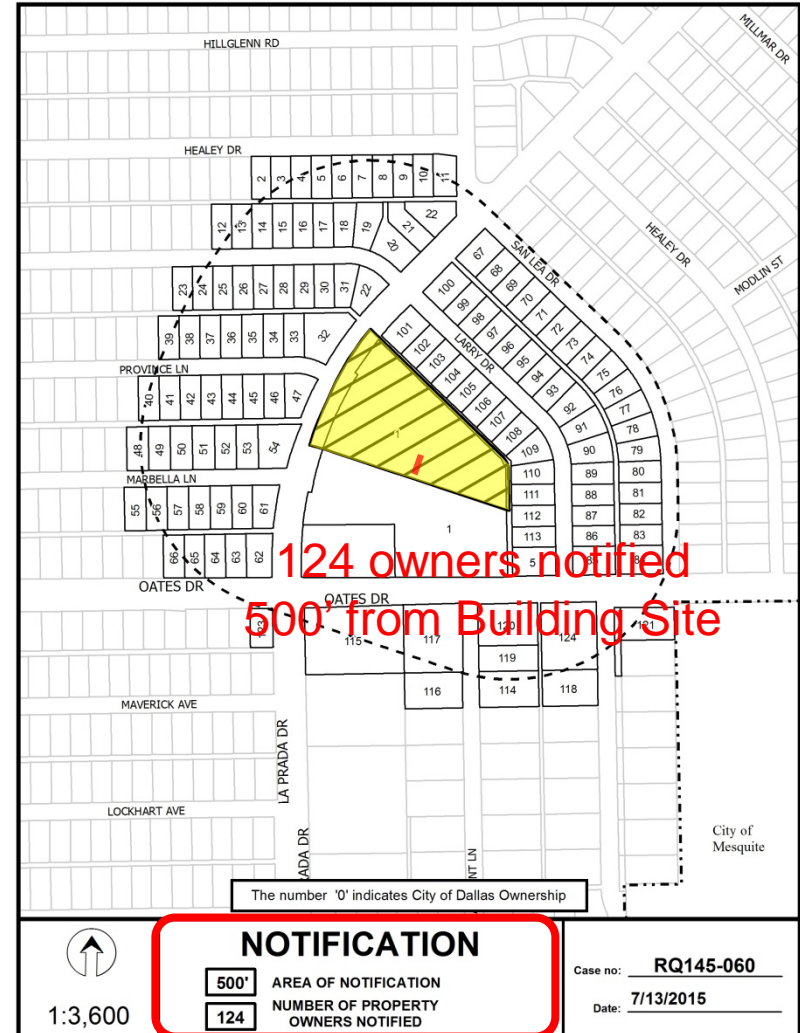
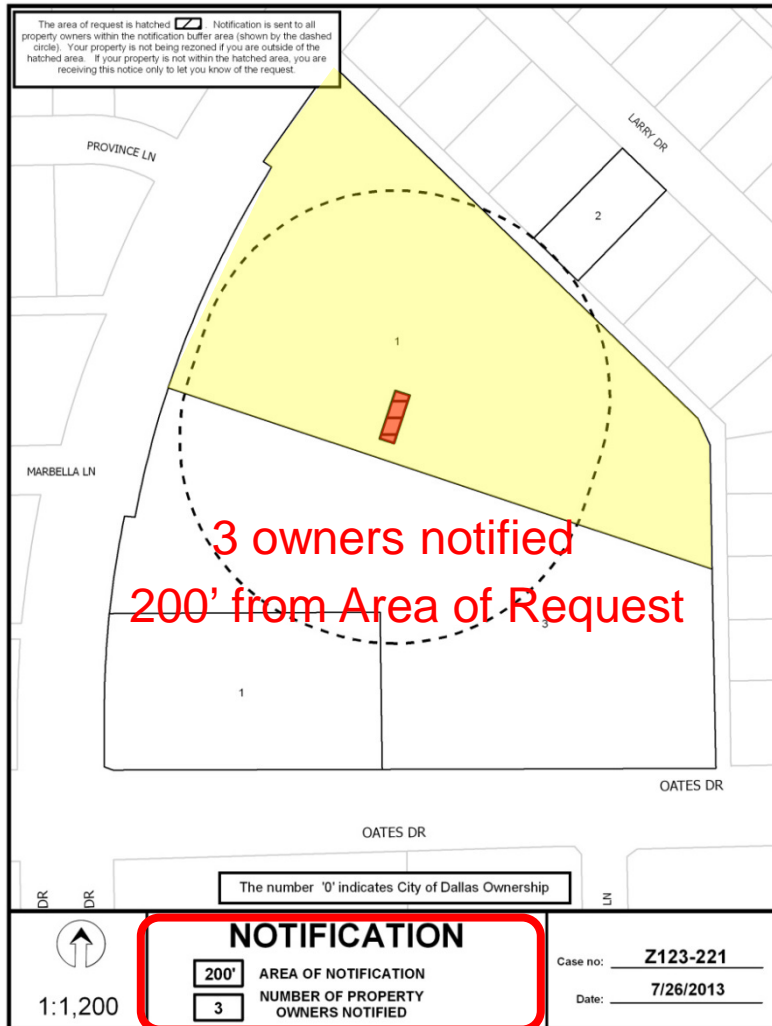
SUP Notification

CPC Proposed Amendment

- Send SUP notifications to property owners within 500 feet of the building site, or platted lot, instead of cellular lease area.

SUP Notification

Current Code vs. Proposed Amendment



Article XIII

Current Code

- Tower/antenna is listed as a “Utilities” use in Article XIII: Form Districts.
 - Monopole cellular towers are only allowed by SUP.
- Utilities are only allowed in an “Open Space” development type.
- Open Space development types are required to comply with certain configurations.

(i.e. Plaza or Esplanade, Square, Green, Neighborhood Park, Tot Lot, Community Garden, Landscaped Median, or Greenbelt)

Article XIII

Proposed Amendment

- Keep tower/antenna as a “Utilities” use.
- Add an alternative configuration type for utilities where other regulations (e.g. setbacks, landscaping, SUP conditions, etc.) will control.

Next Steps

- Schedule for City Council Agenda

Appendix

Form District Current Code:

- Tower/antennas for cellular communication are classified as a utility use in the Civic Use Category.

(H) Utilities.

(i) **Definition.** Public or private infrastructure serving a limited area with no on-site personnel (minor utility) or serving the general community with on-site personnel (major utility).

(ii) Examples of Permitted Uses.

Minor utilities, including on-site stormwater retention or detention facility, neighborhood-serving telephone exchange or switching center, gas or electric installation or transmission, water and wastewater pump station or lift station, gas gates, reservoir, control structure, drainage well, and water supply water well.

Major utilities, including aeration facility, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way, transmission tower, waste treatment plant, water pumping facility, and water tower or tank.

Mounted cellular antennas or monopole cellular towers.

Reference Section 51A-13.306(d)(2)(H)

Appendix

Form District Current Code:

- Utilities are only permitted in an Open Space Development Type

Use Chart

PRINCIPAL USE	USE CATEGORY	Mixed Use Shopfront	Single-Story Shopfront	General Commercial	Apartment	Townhouse Stacked	Townhouse	Manor House	Single-family House	Civic Building	Open Space Lot	Additional Regulations
		Mu	Ss	Gc	Apt	Ts	Th	Mh	Sf	Civ	O	
		Ground Story Upper Stories	Ground Story	All Stories	All Stories	Ground Story Upper Stories	All Stories	All Stories	All Stories	All Stories	...	
Civic	Community service, except as listed below:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>		
	<i>Museum, library</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		(c)(3)
	Day care	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>		(c)(3)
	Educational	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>		(c)(3)
	Government service, except as listed below:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>		(c)(3)
	<i>Detention center, jail, or prison</i>				<input type="checkbox"/>					<input type="checkbox"/>		
	Park or Open space										<input checked="" type="checkbox"/>	
	Social service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							(c)(8)
	Transit station	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>		
Utilities										<input checked="" type="checkbox"/>	(c)(4)	

Key: ■ = Permitted □ = Specific Use Permit Blank Cell = Not Permitted

Reference Section 51A-13.306(b)

Appendix

Form District Current Code:

- Additional regulations limit monopole cellular towers by SUP in the WMU and WR districts.

(c) Additional Regulations.

(4) Tower/Antenna for Cellular Communication.

(A) In General. For tower/antenna for cellular communication uses, the provisions of Section 51A-4.212(10.1) apply, except as modified in Subparagraphs (B) and (C).

(B) Mounted Cellular Antennas.

(i) Permitted by right in the RTN district when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use.

(ii) Permitted by right in a WMU or WR district when attached to any existing structure.

(C) Monopole and Other Cellular Towers.

(i) Not permitted in the RTN district.

(ii) Permitted by specific use permit in a WMU or WR district

Reference Section 51A-13.306(c)(4)

Appendix

Form District Current Code:

Division 51A-13.300. District Regulations.



open space lot

Sec. 51A-13.304. Development Types.

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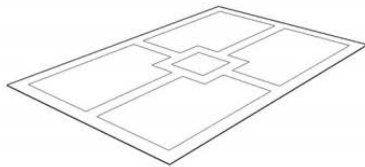


open space lot

Division 51A-13.300. District Regulations.

(k) Open Space Lot.

(1) Definition.

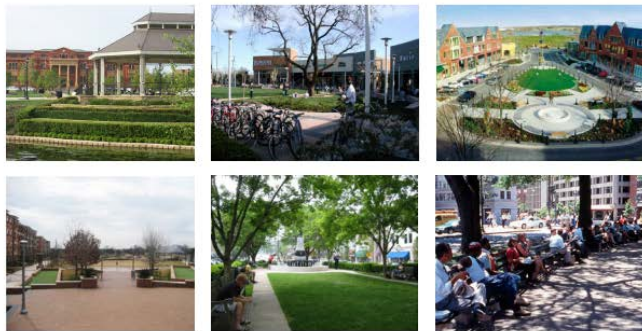


A development type located and designed to accommodate civic open space or natural area worthy of preservation.

An open space lot is intended primarily to provide for public or private open space. Open space lots can also be used to accommodate commercial surface parking lots, although commercial surface parking lots may not be used to satisfy open space requirements.

(2) Character Examples.

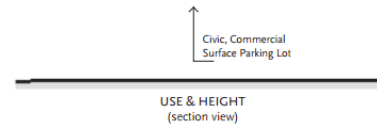
Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.



(3) Districts Permitted.

LOW: WMU-3, WMU-5 WR-3, WR-5 RTN
 MEDIUM: WMU-8, WMU-12 WR-8, WR-12
 HIGH: WMU-20, WMU-40 WR-20, WR-40
 OVERLAY: -SH

(4) Use, Height, and Placement.



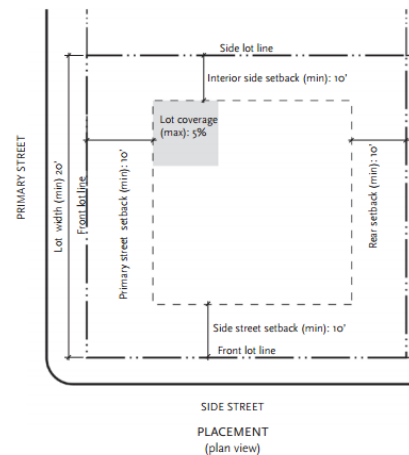
USE

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses." Parking as an accessory use is not permitted on an open space lot.

HEIGHT

Building/Structure Height (max ft)

35



BUILDING/STRUCTURE PLACEMENT

No more than five percent of the total lot area may be occupied by buildings or structures.

LOT

Area (min sf)	2,000
Width (min ft)	20
Lot coverage (max)	5%

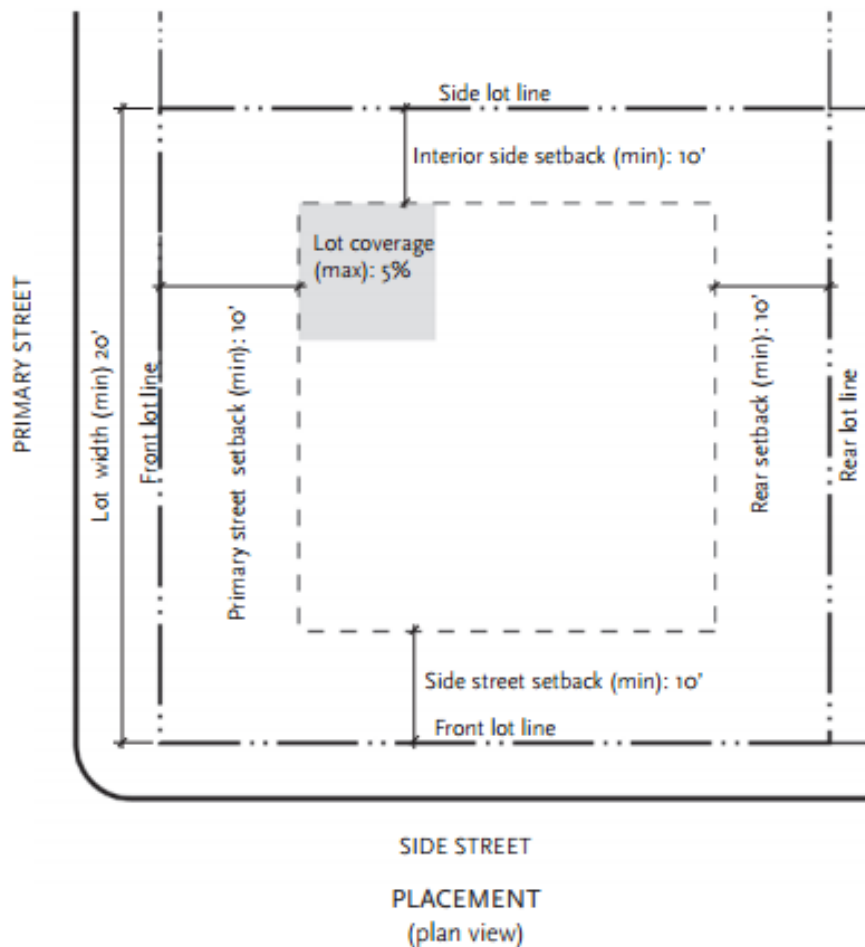
SETBACKS

Front (min ft)	10
Side street (min ft)	10
Interior side (min ft)	10
Rear (min ft)	10

Reference Section 51A-13.304(k)

Appendix

Form District Current Code:



BUILDING/STRUCTURE PLACEMENT

No more than five percent of the total lot area may be occupied by buildings or structures.

LOT

Area (min sf)	2,000
Width (min ft)	20
Lot coverage (max)	5%

SETBACKS

Front (min ft)	10
Side street (min ft)	10
Interior side (min ft)	10
Rear (min ft)	10

Reference Section 51A-13.304(k)(4)

Appendix

Form District Current Code:

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open space lot

(S) Configuration.

(A) In General.

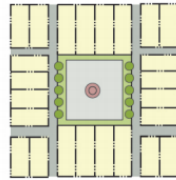
An open space lot must be configured as set forth in Subparagraphs (B) through (K).

(B) Plaza or Esplanade.

- (i) A plaza is a formal open space defined by building frontages and abutting streets. An esplanade is a linear, open area, abutting a river, large body of water, or street, where people may walk.
- (ii) A plaza or esplanade must be at least 2,000 square feet. A plaza may not exceed a maximum of one acre.
- (iii) An esplanade must have a minimum width of 40 feet.
- (iv) A plaza or esplanade must be bounded by a street on at least one side.
- (v) A plaza or esplanade is typically furnished with paths, benches, and open shelters.
- (vi) A plaza or esplanade may contain landscaping and paved surfaces. Pervious paving materials must make up a minimum of 70 percent of any paved surface. Trees and shrubs must be planted in formal patterns.
- (vii) For a plaza, perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (viii) For an esplanade, street trees must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (ix) Site trees must be planted at the rate of one large canopy tree per 2,500 square feet of lot area. Each tree must have a caliper of at least two inches at the time of planting. Trees may be planted in planters or tree grates.
- (x) A plaza may be level, stepped, or gently sloping. An esplanade must be level.
- (xi) Lots that share a common lot line with a plaza or esplanade must configure development as though the plaza or esplanade were a primary street.

(C) Square.

- (i) A square is a formal open space defined by building frontages and abutting streets. A square must be at least 10,000 square feet in size, but may not exceed two acres.
- (ii) A square is bounded by streets on a minimum of three sides.
- (iii) A square is typically furnished with paths, benches, and open shelters.
- (iv) Landscaping must consist of lawn, trees, and shrubs planted in formal patterns.
- (v) A square must contain a minimum 30 percent turf, ground-cover, soil, or mulch. The balance of the area may be any paved surface. Pervious paving materials must make up a minimum of 70 percent of any paved surface.



Sec. 51A-13.304. Development Types.

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open space lot

- (vi) Perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (vii) Site trees must be planted at the rate of one large canopy tree per 2,500 square feet of lot area. Each tree must have a caliper of at least two inches at the time of planting.
- (viii) A square may be level, stepped, or gently sloping.
- (ix) Lots that share a common lot line with a square must configure development as though the square were a primary street.

(D) Green.

- (i) A green is an informal open space defined by abutting streets.
- (ii) A green must be at least 10,000 square feet in size, but may not exceed two acres.
- (iii) A green must be bound by streets on a minimum of two sides.
- (iv) A green is typically furnished with paths, benches, and open shelters.
- (v) Landscaping must consist of lawn and informally arranged trees and shrubs.
- (vi) A green must contain a minimum of 60 percent turf, ground-cover, soil, or mulch. The balance of the area may be any paved surface. Pervious paving materials must make up a minimum of 70 percent of any paved surface.
- (vii) Perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (viii) Site trees must be planted at the rate of one large canopy tree per 2,500 square feet of lot area. Each tree must have a caliper of at least two inches at the time of planting. Site tree plantings may be informal.
- (ix) The topography may be irregular.
- (x) Lots that share a common lot line with a green must configure development as though the green were a primary street.



(E) Neighborhood Park.

- (i) A neighborhood park is a natural landscape consisting of open and wooded areas and may also include, but are not limited to, tennis courts, racquet ball courts, basketball courts, volley ball courts, ball fields, swings, slides, playgrounds, dog parks, benches, restrooms, picnic units, shelters, and walking paths.
- (ii) A neighborhood park must be at least 20,000 square feet in size.
- (iii) A neighborhood park is bounded by streets on a minimum of one side.
- (iv) Neighborhood parks are often irregularly shaped but may be linear in order to parallel creeks, canals, or other corridors.



Division 51A-13.300. District Regulations.

DCA 078-011 (Creation of Article XIII)

Article XIII. Form Districts | 3-47

Reference Section 51A-13.304(k)(5)

DCA 078-011 (Creation of Article XIII)

Appendix

Form District Current Code:

Division 51A-13.300. District Regulations.



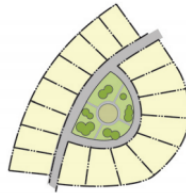
Sec. 51A-13.304. Development Types.

open space lot

- (v) Landscaping must consist of informally arranged trees and shrubs. The topography may be irregular.
- (vi) A neighborhood park may have a maximum of 15 percent impervious surface.
- (vii) Perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (viii) Site trees must be planted at the rate of one large canopy tree per 2,500 square feet of lot area. Each tree must have a caliper of at least two inches at the time of planting.

(F) Tot Lot.

- (i) A tot lot provides play areas for children as well as open shelter and benches.
- (ii) A tot lot must be at least 2,000 square feet in size, but may not exceed one acre.
- (iii) Tot lots may be freestanding or located within squares, greens, or neighborhood parks.
- (iv) The impervious surface of a tot lot may not exceed 15 percent.
- (v) Perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (vi) Site trees must be planted at the rate of one large canopy tree per 2,500 square feet of lot area. Each tree must have a caliper of at least two inches at the time of planting.



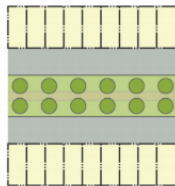
(G) Community Garden.

- (i) A community garden is a grouping of garden plots available to nearby residents for small-scale cultivation, including storage facilities for necessary equipment.
- (ii) A community garden must be at least 10,000 square feet in size, but may not exceed two acres.
- (iii) The impervious surface of a community garden may not exceed 15 percent.
- (iv) Perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")



(H) Landscaped Median.

- (i) A wide landscape median provides open space and green area embedded within the public realm of a minor street.
- (ii) A landscape median must be at least 20 feet in width and one block in the length, with a reduction of the width to eight feet at the location of turn lanes.
- (iii) Landscaping must consist of lawn and formally arranged trees.



DCA 078-011 (Creation of Article XIII)

Article XIII. Form Districts | 3-49

Sec. 51A-13.304. Development Types.



Division 51A-13.300. District Regulations.

open space lot

- (iv) A double row of street trees must be planted at the rate of one large canopy tree every 40 feet on center, on average. Each tree must have a caliper of at least three inches at the time of planting.
- (v) Trees must be planted no more than 10 feet nor less than six feet from the back of curb.
- (vi) Improvements may include paved walks, trails, benches, and trash receptacles.

(I) Greenbelt.

- (i) Greenbelts typically follow natural features such as streams or rivers. They are designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods, and are used for transportation, recreation, and environmental protection.
- (ii) Greenbelts differ from neighborhood parks, plazas, and squares in that their detailing is natural (i.e. informally planted), except along rights-of-way, and may contain irregular topography.
- (iii) Design of the greenbelt should incorporate conservation of existing mature tree canopy and landscape and protection of existing natural drainage-ways and creeks.
- (iv) Land within the 100-year floodplain may be used to accommodate a greenbelt.
- (v) The greenbelt must be accessible from adjacent development.
- (vi) Improvements may include paved walks, trails, benches, and trash receptacles.
- (vii) No rear-facing lots may abut a greenbelt.



(J) Private Open Space Under 2,000 SF.

Private open space of less than 2,000 square feet must be designed to meet the standards for landscaping or private open space for the appropriate development type.

(K) Commercial Surface Parking Lot.

A commercial surface parking lot on an open space lot may be approved through the specific use permit process. The length of time the use may be operated must be set during approval of the specific use permit. The commercial surface parking lot must meet all standards for design and landscaping required in this article. No commercial surface parking lot may be used to satisfy public or private open space requirements.

(6) Certificate of Occupancy Required.

Except for a landscape median and greenbelt, a certificate of occupancy is required for all open space lots.



Reference Section 51A-13.304(k)(5)