

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Development Services/Planning Division

AGENDA DATE: Introduction 6-27-06, Public Hearing 7-11-06

CONTACT PERSON/PHONE: Kimberly Forsyth, Zoning Administrator – 541-4631

DISTRICT(S) AFFECTED: City-wide

SUBJECT:

AN ORDINANCE IMPOSING A MORATORIUM FOR A PERIOD OF NINETY DAYS, UNLESS OTHERWISE EXTENDED, ON THE ACCEPTANCE OF ALL APPLICATIONS TO PERMIT THE USE AND ISSUANCE OF BUILDING PERMITS AND SPECIAL PERMITS FOR THE CONSTRUCTION OF GROUND, ROOF, AND FACILITY MOUNTED CELLULAR TELECOMMUNICATIONS SUPPORT STRUCTURES WITH APPURTENANT ANTENNAS AND EQUIPMENT STORAGE FACILITIES WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO.

BACKGROUND / DISCUSSION:

See attached information.

PRIOR COUNCIL ACTION:

City Council requested at their meeting on June 20, 2006, that staff place this item on the agenda

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

The Building and Zoning Advisory Committee (BZAC), in the course of their review and rewrite of Title 20 recommended several changes to the current City regulations applicable to Personal Wireless Service Facilities. The Development Coordinating Committee recommended approval of the proposed amendment. Prior to action by the City Plan Commission, the proposed draft was distributed to several wireless industry representatives who requested further revisions. An LRC was held on June 15 to discuss options and policy direction.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

SECTION HEAD: Alan Shubert

APPROVED FOR AGENDA:

CITY MANAGER: Patricia D. Adauto, Deputy City Manager **DATE:** _____

GENERAL INFORMATION:

SUBJECT: An amendment to Title 20, proposed Section 20.10.455 (Personal Wireless Service Facilities). The BZAC worked with staff to develop the proposed revisions to supplemental standards for PWSFs. The major changes are as follows:

- Decrease the permitted height for ground-mounted facilities in all zoning districts.
- Increase the setback requirements, especially where the proposed use is abutting a residential zoning district
- Require a minimum distance of a quarter-mile between structures
- Require that the design of new structures incorporate materials, colors, textures, screening or camouflaging techniques to blend into the natural setting and surrounding structures
- Authorize City Council, through a special permit application, to approve modifications to the above regulations where the applicant is requesting to collocate additional antennas on an existing structure in a commercial or manufacturing zoning district

Several wireless industry representatives, including T-Mobile, Crown Castle, Cricket, and others have met with staff to request further amendments and have presented revisions for consideration. An LRC met on June 15, 2006 to review policy direction and City Council on June 20, 2006, directed staff to place an item on the agenda to impose a temporary moratorium on the permitting of personal wireless service facilities.

Add

CITY CLERK
ORDINANCE NO. _____

06 JUN 20 09:12:12

AN ORDINANCE IMPOSING A MORATORIUM FOR A PERIOD OF NINETY DAYS, UNLESS OTHERWISE EXTENDED, ON THE ACCEPTANCE OF ALL APPLICATIONS TO PERMIT THE USE AND ISSUANCE OF BUILDING PERMITS AND SPECIAL PERMITS FOR THE CONSTRUCTION OF GROUND, ROOF, AND FACILITY MOUNTED CELLULAR TELECOMMUNICATIONS SUPPORT STRUCTURES WITH APPURTENANT ANTENNAS AND EQUIPMENT STORAGE FACILITIES WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO.

WHEREAS, the zoning regulations of the City of El Paso have been established for the purpose of promoting the health, safety, morals and general welfare of its citizens; and,

WHEREAS, the City through it's Building and Zoning Advisory Committee ("BZAC") have drafted a comprehensive document amending Title 20 (Zoning) of the El Paso City Code, in include regulations regarding the siting and aesthetics of ground, roof, and facility mounted cellular telecommunications support structures with appurtenant antennas and equipment storage facilities (collectively "cell towers"); and,

WHEREAS, the drafting of the amendments to Title 20 is not complete and applications for the construction of cell towers continue to be submitted to the City; and,

WHEREAS, the citizens of this City have expressed significant concern over the location and appearance of cell towers within the City, and the subsequent impact on their quality of life; and,

WHEREAS, in order to maintain the status quo of existing conditions and number of cell towers, the City Council finds that it is necessary to impose a moratorium on the acceptance of applications for special permits and building permits to permit the construction of cell towers until such amendments are adopted and implemented; and,

WHEREAS, the City desires to amend Zoning Code in an expeditious manner; and,

WHEREAS, the City Council finds that the proposed moratorium as herein provided will further protect and provide for the public health, safety, morals, and general welfare of the City, and is in conformance with the goals as stated in the 2025 Comprehensive Plan for the City of El Paso.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. Effective upon passage of this Ordinance by City Council, a moratorium shall be imposed for a period of ninety (90) days, unless otherwise extended in accordance with state

ORDINANCE NO. _____

law, and the City shall not accept applications for permits, or other applications for the City's authorization or approval necessary for the construction of ground, roof, and facility mounted cellular telecommunications support structures with appurtenant antennas and equipment storage facilities.

Section 2. A permit applicant may apply for a waiver from this moratorium in accordance with state law.

APPROVED this _____ day of _____, 2006.

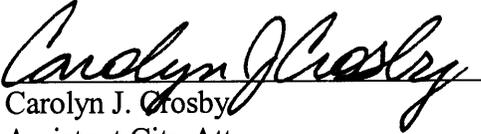
THE CITY OF EL PASO, TEXAS

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen,
Municipal Clerk

APPROVED AS TO FORM:


Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:


Patricia D. Aauto, Deputy City Manager
Development and Infrastructure Services