

ORDINANCE NO. 544-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANSOM PARK, TEXAS APPROVING A SPECIFIC USE PERMIT (SUP) FOR A TELECOMMUNICATIONS TOWER AT 5500 BUCHANAN STREET, LEGALLY KNOWN AS ROBERTSON-HUNTER ADDITION BLOCK 45 LOT 14 THRU 16 AN ADDITION IN THE CITY OF SANSOM PARK, TARRANT COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Sansom Park and Castleberry ISD have jointly submitted an application requesting a Specific Use Permit for a Telecommunications Tower, which has been reviewed; and

WHEREAS, the property located at 5500 Buchanan Street, Sansom Park, Texas is currently zoned "SF-5" Single-Family Residential; and

WHEREAS, Section 8.5 Telecommunication Towers of Article 8, Supplemental Regulations, of the City of Sansom Park's Zoning Ordinance, Ordinance No. 480-14, as amended, (Zoning Ordinance) allows for a Specific Use Permit in all zoning districts on Government, School, Utility and Institutional sites; and

WHEREAS, pursuant to Section 5.3.3 of the Zoning Ordinance, Specific Use Permits shall be accompanied by a site plan; and

WHEREAS, the City Council of the City of Sansom Park provided notice as required by law and conducted a public hearing on June 21, 2018, in accordance with Texas Local Government Code 211.007 and finds and determines that a Specific Use Permit should be granted subject to an approved site plan and any conditions placed on the approval to protect the public health, safety and welfare of the citizens of Sansom Park.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANSOM PARK, TEXAS:

**SECTION I
FINDINGS OF FACT**

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**SECTION II
SPECIFIC USE PERMIT**

In accordance with the Zoning Ordinance of the City of Sansom Park, a Specific Use Permit is hereby approved for a Telecommunications Tower, located at 5500 Buchanan Street, Sansom Park, Texas, owned by the City of Sansom Park and zoned "SF-5" Single-Family Residential with the site plan, attached hereto as Exhibit "A", containing all of the information required by Section 5.3 of the Zoning Ordinance; and that the City Council has found that:

1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning regulations;
3. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - b. Off-street parking and loading areas;
 - c. Refuse and service areas;
 - d. Utilities with reference to location, availability, and compatibility;
 - e. Screening and buffering features to minimize visual impacts, and/or setbacks from adjacent uses;
 - f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - g. Required yards and open space;
 - h. Height and bulk of structures;
 - i. Hours of operation;
 - j. Exterior construction material and building design; and
 - k. Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
4. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

In addition, the following general criteria shall be considered in determining the appropriateness of sites for a communication tower when considering a Specific use permit:

1. Whether the proposed tower is to be located in an area where it would be unobtrusive to surrounding uses and would not substantially detract from the local aesthetic or neighborhood character;
2. Where the application represents a request for multiple use of a proposed tower;
3. Whether the application exhibits how the site and the tower and/or antenna will be designed and arranged to accommodate future multiple users.

Conditions: In approving the application the City Council places the following conditions as reasonably necessary to assure compliance with these standards and the purpose and intent of this Section and in accordance with the procedures in Section 5.1 of the Zoning Ordinance:

- a. In the event that Castleberry ISD abandon the communications tower the City of Sansom Park will take possession.
- b. The City Administrator or his/her designee shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the specific use, and shall sign the plan to indicate final approval. The City shall maintain a record of such approved special uses and the site plans and conditions attached thereto.

The development of this property shall conform to the Specific Use Permit and site plan requirements per Section 5.2.4, attached as Exhibit "A" and no Building Permit or Certificate of Occupancy shall be issued except in conformance with this Ordinance.

**SECTION III
APPLICABILITY**

Except as otherwise provided in this Specific Use Permit and site plan, the property shall be governed by the ordinances of the City of Sansom Park (the "City Code"). In the event of a conflict between the Specific Use Permit, the site plan and the base zoning districts found in the City Code, the Specific Use Permit and approved site plan shall control.

**SECTION IV
SEVERABILITY CLAUSE**

Should any phrase, sentence, section, or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this Ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

**SECTION V
OPEN MEETINGS**

That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**SECTION VI
PENALTY CLAUSE**

Any person, firm, association or persons, company, corporations or their agents or employees violating or failing to comply with any of the provisions of this Ordinance shall be find, upon conviction, not more than Two Thousand Dollars (\$2,000.00) and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State law, and the power on injunction as provided by V.T.C.A. Local Government Code 54.012 and as may be amended, may be exercised in enforcing this Ordinance whether or not there has been a complaint filed.

**SECTION VII
MAP ADJUSTMENT**

The City Council directs the City Secretary to record this zoning classification, SUP for a Telecommunications Tower, on the City's official zoning map with the official notation as prescribed by the City's Zoning Ordinance.

**SECTION VIII
PUBLICATION**

The City Secretary for the City of Sansom Park, Texas is hereby directed to publish caption, penalty clause and effective date clause in the official newspaper after the passage of this Ordinance.

**SECTION IX
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Sansom Park, Texas, this 21st day of June, 2018.

APPROVED:

Crystal Harris
~~Jim Barnett, Jr.~~ *Crystal Harris*
Mayor *Pro-Tem*

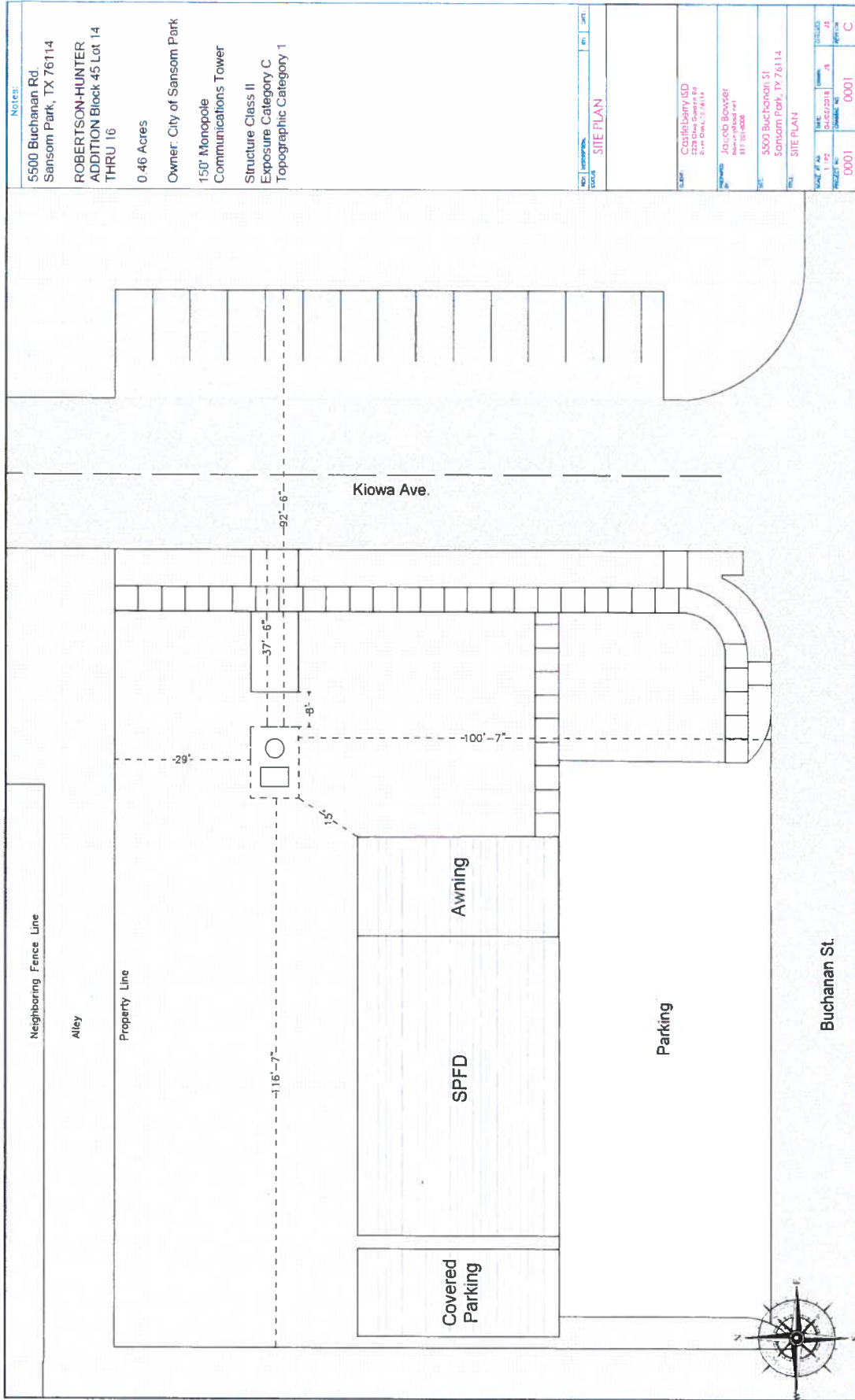
ATTEST:

Wendy Blocker

Wendy Blocker
City Secretary



EXHIBIT "A"



Notes:	
5500 Buchanan Rd. Sansom Park, TX 76114	
ROBERTSON-HUNTER ADDITION Block 45 Lot 14 THRU 16	
0.46 Acres	
Owner: City of Sansom Park Communications Tower	
Structure Class II Exposure Category C Topographic Category 1	
SITE PLAN	
DATE: 01/11/2018	BY: JTB
PROJECT: 0001	SHEET: 0001
CONSULT: CDA/Robbly ISD 2200 Buchanan St 76114 817-511-4000 PREPARED BY: Jacob Bowyer 817-511-4000 SITE: 5500 Buchanan St Sansom Park, TX 76114 TITLE: SITE PLAN	
SCALE: 1" = 10'	DATE: 01/11/2018
PROJECT: 0001	SHEET: 0001
DATE: 01/11/2018	BY: JTB