

## **ORDINANCE NO. 2417**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. 2371) AND ESTABLISHING SPECIFIC USE PERMIT NUMBER EIGHTEEN (SUP-18) FOR A COMMUNICATIONS TOWER ON PROPERTY LOCATED AT 305 W. COLLEGE STREET, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

### **ARTICLE I.**

**WHEREAS**, the Planning and Zoning Commission of the City of Terrell, Texas, held a public hearing on June 1, 2009 on a request for a Specific Use Permit for a communications tower on property located at 305 W. College Street, City of Terrell, Kaufman County, Texas.; and

**WHEREAS**, the City Council of the City of Terrell, Texas held a public hearing on June 16, 2009 and has determined that it would be in the best interest of the citizens of Terrell to approve Specific Use Permit Number Eighteen (SUP-18); and

**WHEREAS**, the City Council has determined that all notice requirements have been given in compliance with the laws and ordinances of the City of Terrell and State Law.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Terrell, Texas:

**THAT** the Comprehensive Zoning Ordinance is hereby amended and that Specific Use Permit Number Eighteen (SUP-18) is established on property located at 305 W. College Street, City of Terrell, Kaufman County, Texas.

### **ARTICLE II**

All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

### **ARTICLE III**

All operations, activities, and uses associated with the communications tower at this location and under the conditions of this Specific Use Permit shall be in accordance with the special conditions set forth in Exhibit A of this ordinance. Failure to comply with all of these conditions at all times may result in the revocation of this SUP and the use of the tower.

### **ARTICLE IV**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase,

clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**ARTICLE V**

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

**PASSED AND APPROVED** this the 16<sup>th</sup> day of June, 2009.

**PASSED AND ADOPTED** this the 21<sup>st</sup> day of July, 2009.

**APPROVED:**

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Hal Richards, Mayor

**ATTEST:**

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John Rounsavall, City Secretary

**APPROVED AS TO FORM:**

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Mary Gayle Ramsey, City Attorney

**EXHIBIT A**  
**SPECIFIC USE PERMIT (SUP-18) – SPECIAL CONDITIONS**

**SITE REQUIREMENTS:**

1. The maximum allowed height of the tower and all attachments shall not exceed one hundred thirty feet (130') tall.
2. The tower shall be for the exclusive use of the Terrell ISD and may not be used for the co-location of any private franchise equipment. (exception: co-location of other government communications equipment such as emergency broadcast equipment or 911 emergency communications equipment shall be allowed upon the execution of an interlocal agreement with the TISD.)
3. The placement of the tower shall be in accordance with the approved site plan which meets all of the setbacks required by the Zoning Ordinance of the City of Terrell.
4. The construction of the tower and its foundation shall be in accordance with the sealed engineering drawings submitted with the application for the building permit.
5. Inspections of the structural integrity of the tower shall be conducted periodically by a qualified engineer at intervals determined appropriate by the manufacturer of the tower with a copy of the inspection report being forwarded to the City of Terrell Building Official.