

ORDINANCE 2017- 20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A 175-FOOT COMMUNICATIONS TOWER, BEING LOT 3-A OF THE BASTROP BUSINESS & INDUSTRIAL PARK, PHASE 1, BLOCK B, LOCATED AT 1501 BUSINESS PARK DRIVE, WITHIN THE CITY LIMITS OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Judge Pape, representing Bastrop County (hereinafter referred to as “Applicant”) submitted a request for a Conditional Use Permit (CUP) for Lot 3-A of the Bastrop Business & Industrial Park, Phase 1, Block B, within the City limits of Bastrop, Texas, hereinafter referred to as “the Property”; and

WHEREAS, a location map is attached hereto as Exhibit “A” (the “Property”); and

WHEREAS, the Property is currently zoned as IP, Industrial Park, and LI, Light Industrial; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the CUP was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the CUP request on July 27, 2017; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission, by a unanimous vote, recommended approval of the proposed request, subject to certain conditions set forth herein; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicant, and all other information presented, City Council finds by a majority vote of all members that it is in the public interest to approve the CUP.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

Section 1: The Property, situated in Lot 3-A of the Bastrop Business & Industrial Park, Phase 1, Block B located at 1501 Business Park Drive, within the city limits of Bastrop, Texas as more particularly shown and described on Exhibit “A”, shall be and is hereby approved with the following conditions to:

- a. Construction shall be in conformance with the City of Bastrop regulations.
- b. All necessary permits for the proposed development shall be acquired prior to occupying the building.

- c. A Building Permit shall be applied for and secured within one year from the date the Conditional Use Permit is granted (second reading of the ordinance).
- d. Antenna towers shall be secured to protect against trespass or unauthorized use of the property, antenna tower, or related buildings and structures on site. At minimum, antenna towers shall be equipped with an anti-climbing device and enclosed by security fencing and a locking gate not less than six (6) feet in height. If the tower will have guy wires, they must be fenced as well.
- e. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
- f. Antennae (amateur or commercial) shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners.
- g. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and FCC shall be prohibited on any antenna or antenna support structure.

Section 2: This ordinance shall take effect upon passage and in accordance with the laws of the State of Texas.

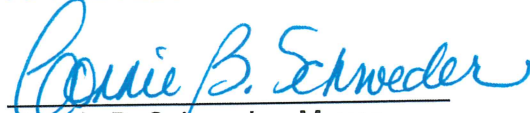
Section 3: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 4: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 8th day of August 2017.

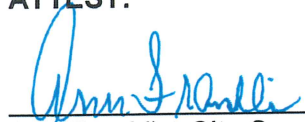
READ and APPROVED on the Second Reading on the 22nd day of August 2017.

APPROVED:



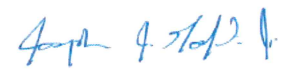
Connie B. Schroeder, Mayor

ATTEST:

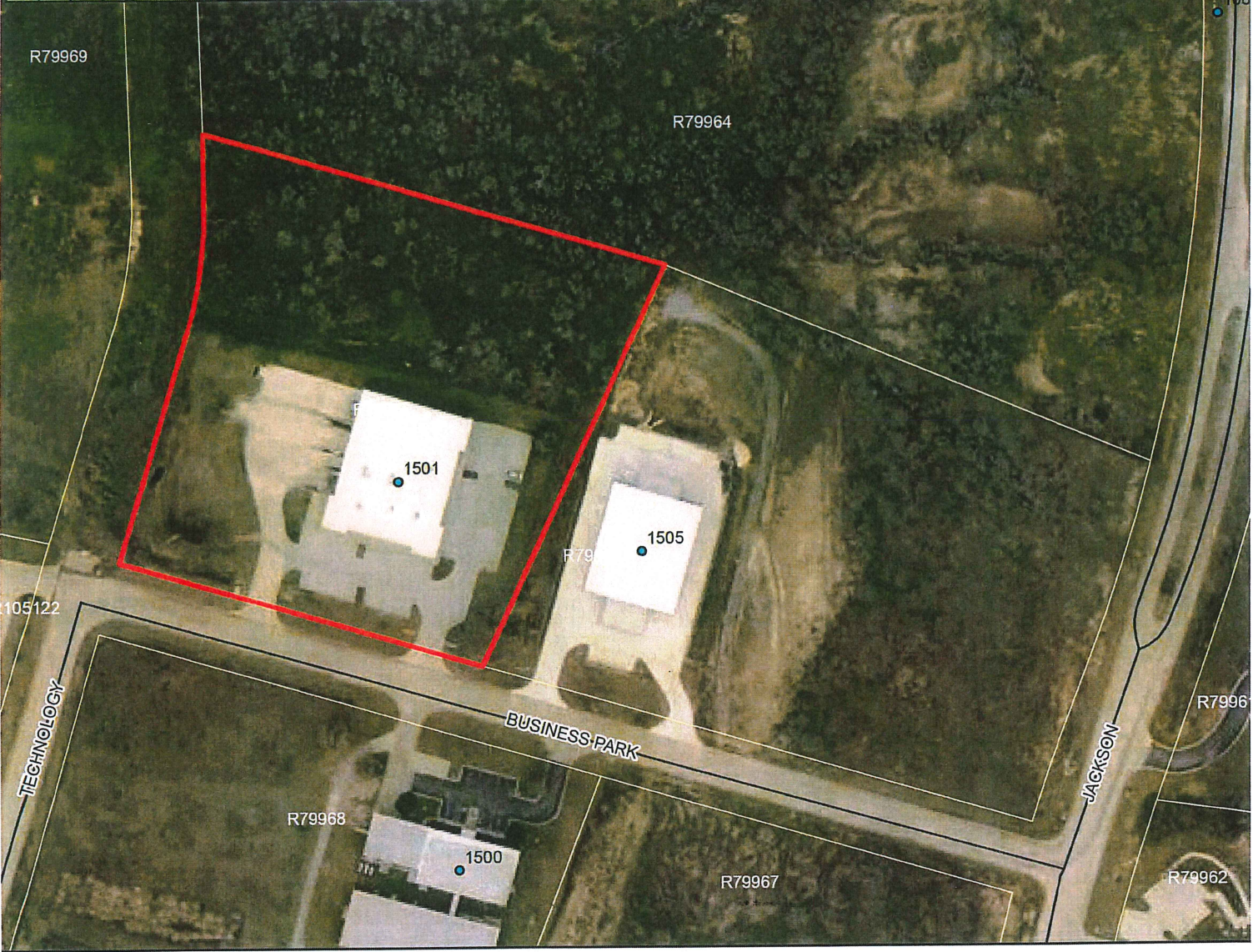
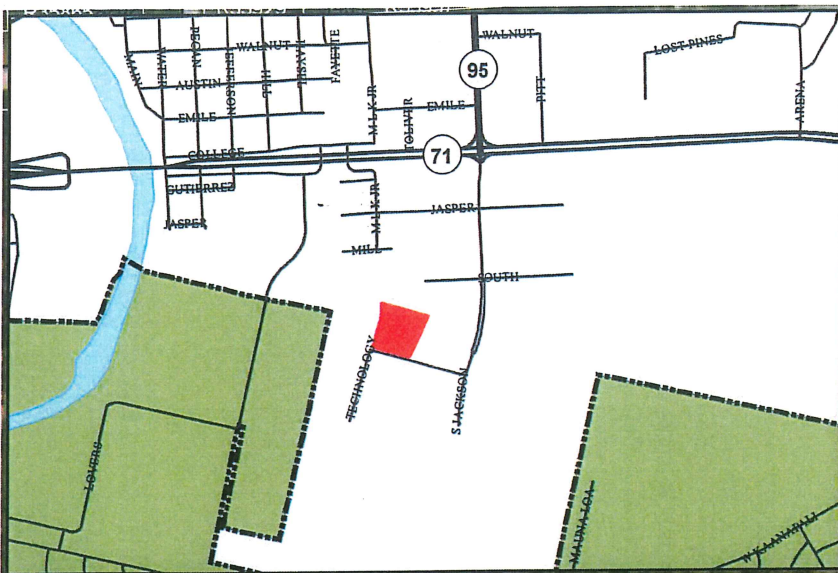


Ann Franklin, City Secretary

APPROVED AS TO FORM:



Joe Gorfida, Interim City Attorney



Location Map
 Communications Tower CUP
 1501 Business Park Drive

1 inch = 166.67 feet

Date: 7/12/2017
 The accuracy and precision of this cartographic data is limited and should be used for information/planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.