

CITY OF OAK RIDGE
KAUFMAN COUNTY, TEXAS

ORDINANCE 35-14
REZONING & SPECIAL USE PERMIT

AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, AS AMENDED, BY REZONING PROPERTY FROM AGRICULTURAL DISTRICT ZONING TO COMMERCIAL DISTRICT ZONING AND ISSUING A SPECIAL USE PERMIT FOR A WIRELESS TELECOMMUNICATION FACILITY ON APPROXIMATELY .75968 ACRES OF LAND, GENERALLY LOCATED AT 5501 COUNTY ROAD 279 PROVIDING THAT THIS SPECIAL USE PERMIT IS ESTABLISHED SUBJECT TO CERTAIN CONDITIONS AS SET FORTH HEREIN; PROVIDING A SAVINGS CLAUSE; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Oak Ridge, Texas (“City”), possesses all the rights, powers, and authorities possessed by a general law municipality, including the authority to regulate land uses under Chapter 211 of the Texas Local Government Code; and

WHEREAS, the comprehensive zoning ordinance of the City, Ordinance 16-11, requires a Special Use Permit be granted by City Council in order to legally operate and occupy the subject property with a wireless telecommunications facility, and further requires that the base zoning for the subject property be either Commercial or Industrial; and

WHEREAS, a request for a rezoning of the subject property from Agricultural zoning to Commercial zoning, and for a Special Use Permit for a wireless telecommunications facility use on the property once rezoned, has been submitted to the City; and

WHEREAS, the City Council of the City of Oak Ridge, in compliance with the laws of the State of Texas and the ordinances of the City, has given the required notices and held the required public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected

area and in the vicinity thereof regarding the requested rezoning and special use permit described herein; and

WHEREAS, after due deliberations and consideration, and any other information and materials received at the public hearing, the City Council of the City of Oak Ridge, Texas, has determined that the requested rezoning from Agricultural zoning to Commercial zoning, and for a Special Use Permit for a wireless telecommunications facility use on the property once rezoned, would be in the interest of public health, safety and welfare of the citizens of the City of Oak Ridge.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS:

SECTION 1.

INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.

AMENDMENT. That the zoning on the property, more particularly described in ***Exhibit A*** attached hereto (the AT&T Unmanned Telecommunications Facility Site Plan and Design, dated 06/06/13), is rezoned from Agricultural zoning to Commercial zoning and a Special Use Permit for a wireless telecommunications facility (as more particularly set forth in Ordinance No. 16-11, Section 24(e)) is hereby issued, subject to all of the terms and conditions set forth herein, the terms and conditions of the Comprehensive Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations, and standards.

SECTION 3.

CONDITIONS. The following special ordinance provisions shall apply to the subject property:

1. The zoning and special use permit rights afforded by this Ordinance shall not become effective and enforceable until and unless the applicant has fully reimbursed the City for all expenses incurred by the City associated with the rezoning and special use permit process, including all attorneys' fees incurred by the City in this regard. Once all such fees have been reimbursed to the City, the City Secretary shall issue a letter to the applicant stating that

all fees have been paid and that the rezoning and special use permit rights afforded by this Ordinance are in effect.

SECTION 4.

SAVINGS. This Ordinance shall be cumulative of all other ordinances of the City, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 5.

ZONING MAP. The official zoning map of the City shall be amended to reflect the changes in zoning made by this Ordinance.

SECTION 6.

PENALTY. Any person, firm, or corporation violating any of the provision of this ordinance shall be punished by a penalty of a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7.

SEVERABILITY. The sections, paragraphs, sentences, phrases, and words of this Ordinance are severable, and If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid or unconstitutional, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the City of Oak Ridge, Texas, and the City Council hereby declares that it would have adopted the valid portions and applications of the Ordinance without the valid parts and to this end the provisions of this Ordinance shall remain in full force and effect.

SECTION 8.

REPEALER. That all ordinances of the City of Oak Ridge in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that conflict.

SECTION 9.

EFFECTIVE DATE. That this Ordinance shall take effect upon the satisfaction of the reimbursement provision set forth in Section 3 of this Ordinance.

DULY PASSED by the City Council of Oak Ridge, Texas on the 24th day of November, 2014.

APPROVED:

Al Rudin, Mayor

ATTEST:

Jan Shedd, City Secretary

Exhibit A

AT&T Unmanned Telecommunications Facility Site Plan and Design,
dated 06/06/13