

ORDINANCE NO. 2017-21

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY GRANTING A CONDITIONAL USE PERMIT FOR ERECTION AND OPERATION OF A COMMUNICATION TOWER TO BE LOCATED ON A 1.92 ACRE TRACT LOCATED IN THE JOHN HAMILTON SURVEY NO. 1; ABSTRACT NO. 405 WHICH IS FURTHER DESCRIBED AS 1008 SHERRARD STREET; ESTABLISHING CONDITIONS FOR SAID PERMIT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Planning and Zoning Commission of the City of Burnet, on September 5, 2017, did conduct a public hearing for the purpose of taking public comment regarding the proposal to grant a Conditional Use Permit for erection and operation of a communication tower to be located on a 1.92 acre tract out of the John Hamilton Survey No.1, Abstract No. 405. Which is further described as 1008 Sherrard Street; and

WHEREAS, The City Council of the City of Burnet, on September 12, 2017 did conduct its own public hearing for the purpose of taking public comment regarding the same proposal to grant a Conditional Use Permit for erection and operation of a communication tower to be located on said 1008 Sherrard Street; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation as well as its own deliberations did determine that granting a Conditional Use Permit for erection and operation of a communication tower to be located on said 1008 Sherrard Street to be in the public interest;

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

Section 1. Findings. 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 2. Permit Granted. This ordinance shall serve as a Conditional Use Permit allowing erection and construction of a communication tower substantially configured as illustrated on Exhibits A and B, copies of which is attached hereto and incorporated for all purposes herein, said tower to be located on that 1.92 acre tract out of the John Hamilton Survey No. 1, Abstract No. 405 which is further described as 1008 Sherrard Street.

Section 3. Permit Conditions. The communication tower to be erected and operated under the Conditional Use Permit granted hereby shall be subject to the following conditions:

- (a) Building and electrical permits shall be obtained from the City of Burnet prior to commencing tower construction.
- (b) Required Federal Aviation Administration (FAA) approvals are prerequisite requirements for issuance of a building permit.
- (c) The permit shall not expire, except that a new Conditional Use Permit shall be required for any alteration to the tower requiring additional FAA approval.

Section 3. Repealer. That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 4. Severability. That should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 5. Effective Date. That this ordinance is effective upon final passage and approval.

Section 6. 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 Meeting Act, Chapter. 551, Loc. Gov't. Code.

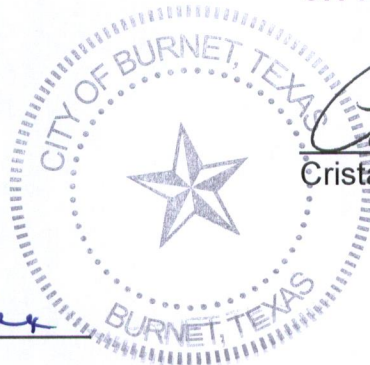
PASSED AND APPROVED on First Reading this 24th day of October 2017.


FINALLY PASSED AND APPROVED on this 14th day of November, 2017.

CITY OF BURNET, TEXAS

ATTEST:

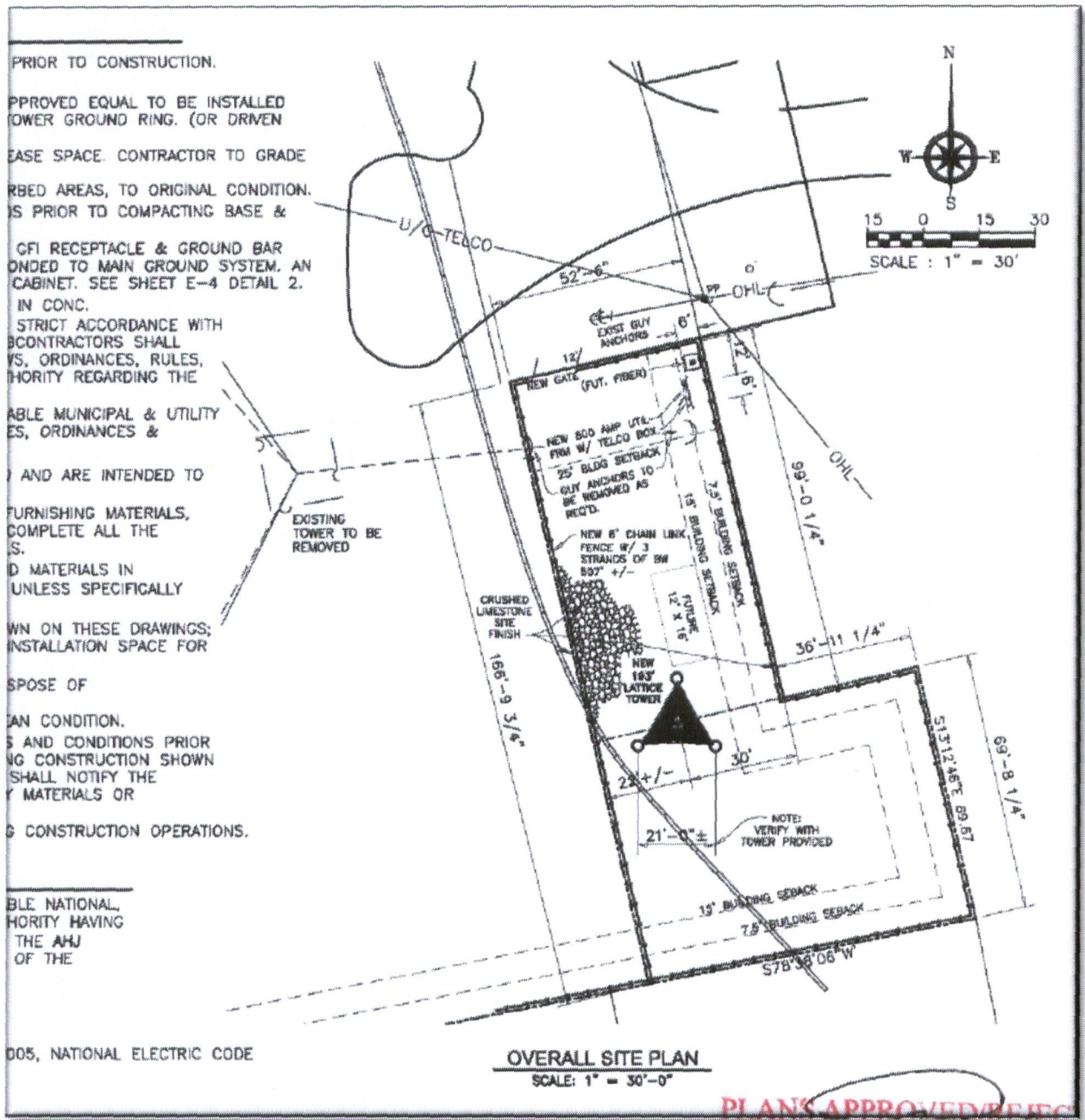

Kelly Dix, City Secretary




Crista Goble Bromley, Mayor

**EXHIBIT A
1008 SHERRARD STREET**

Tower Location



PRIOR TO CONSTRUCTION.

APPROVED EQUAL TO BE INSTALLED
TOWER GROUND RING. (OR DRIVEN

EASE SPACE. CONTRACTOR TO GRADE

ERBED AREAS, TO ORIGINAL CONDITION.
IS PRIOR TO COMPACTING BASE &

GFI RECEPTACLE & GROUND BAR
ONDED TO MAIN GROUND SYSTEM. AN
CABINET. SEE SHEET E-4 DETAIL 2.
IN CONC.

STRICT ACCORDANCE WITH
CONTRACTORS SHALL
YS, ORDINANCES, RULES,
THORITY REGARDING THE

ABLE MUNICIPAL & UTILITY
ES, ORDINANCES &

AND ARE INTENDED TO

FURNISHING MATERIALS,
COMPLETE ALL THE
S.

D MATERIALS IN
UNLESS SPECIFICALLY

OWN ON THESE DRAWINGS;
INSTALLATION SPACE FOR

SCOPE OF

AN CONDITION.

S AND CONDITIONS PRIOR
NG CONSTRUCTION SHOWN
SHALL NOTIFY THE
Y MATERIALS OR

G CONSTRUCTION OPERATIONS.

ABLE NATIONAL,
HORITY HAVING
THE AHJ
OF THE

005, NATIONAL ELECTRIC CODE

