

ORDINANCE NO. 3701

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED; TO GRANT A CHANGE OF ZONING FROM PLANNED DEVELOPMENT DISTRICT (PD-26) TO PLANNED DEVELOPMENT DISTRICT (PD-32) TO ALLOW FOR THE INSTALLATION OF A DIGITAL RADIO TOWER FOR THE PUBLIC SAFETY P-25 RADIO SYSTEM ON AN APPROXIMATELY 10.6241-ACRE TRACT OF LAND, MORE PARTICULARLY DESCRIBED ON THE ATTACHED LOCATION MAP AND LOCATED AT 6436 SACHSE ROAD, CITY OF SACHSE, DALLAS COUNTY, TEXAS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Sachse ("City") is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Charter adopted on April 5, 1986; and

WHEREAS, the City possesses all the rights, powers, and authorities possessed by all home rule municipalities, including the authority to regulate land uses under Chapter 211 of the Texas Local Government Code; and

WHEREAS, the City initiated a request to rezone the subject property, also owned by the City and more specifically described on the attached Location Map, to allow for the installation of an approximately 300' tall digital radio tower for the P-25 public safety radio system; and

WHEREAS, the City Council and the Planning & Zoning Commission of the City of Sachse, in compliance with the laws of the State of Texas and the ordinances of the City of Sachse, have 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 described herein; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning & Zoning Commission and any other information and materials received at the public hearing, the City Council of the City of Sachse, Texas, has determined that the Comprehensive Zoning Ordinance, as amended herein, would be in the interest of public health, safety, and welfare of the citizens of the City of Sachse.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby further amended to grant a change in zoning from Planned Development (PD-26) to **Planned Development (PD-32) to allow for the installation of a digital radio tower for the public safety P-25 radio system** on an approximately 10.6241-acre tract of land located 6436 Sachse Road, City of Sachse, Dallas County, Texas being more particularly described on the attached Location Map, subject to all of the terms and conditions set forth herein, the terms and conditions of the

Comprehensive Zoning Ordinance, PD-26 (Ordinance #3567), and all other applicable ordinances, laws, rules, regulations, and standards.

SECTION 2. The subject property shall generally develop in full compliance with the Sachse Code of Ordinances and the provisions of Ordinance #3567 (PD-26), except that municipal uses and facilities, including but not limited to the installation of a regional digital radio tower approximately 300' in height, are allowed by right on the subject property with restrictions as approved by the City Council in the project scope and design. Except as otherwise provided herein, all other provisions of PD-26 shall remain in full force and effect and are incorporated herein by reference.

SECTION 3. That all provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be and the same are hereby repealed.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

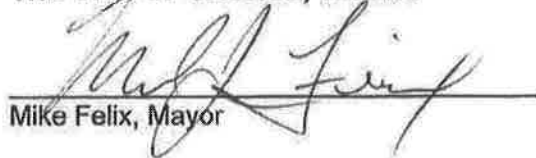
SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the 2nd day of November, 2015.

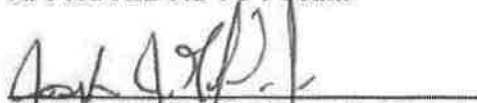
ATTEST:


Michelle Lewis Sirianni, City Secretary

THE CITY OF SACHSE, TEXAS:


Mike Felix, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney

For