

**ORDINANCE NO. 2020-4560**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO VERTICAL BRIDGE DEVELOPMENT, LLC. FOR THE INSTALLATION OF A WIRELESS COMMUNICATIONS TOWER, FOR A 0.083 ACRES AND A 0.524 ACRE TRACT OF LAND SITUATED IN THE TEX-MEX SURVEY, LOT 11, SECTION 241, BEING CALLED OUT OF 9.20 ACRES, LOCATED AT 322 W. CHAPIN STREET, EDINBURG, HIDALGO COUNTY, TEXAS, AS PROVIDED IN ARTICLE 2 LAND USES DIVISION 2.4 LIMITED AND SPECIAL USES SECTION 2.441 WIRELESS TELECOMMUNICATIONS FACILITIES, OF THE CITY OF EDINBURG UNIFIED DEVELOPMENT CODE, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE REARINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, Vertical Bridge Development , LLC has applied for a Special Use Permit under Chapter 156.060 of said Zoning Code of the City of Edinburg for the installation of a Wireless Communications Tower;

**WHEREAS**, This type of structure is prohibited by said Unified Development Code unless a Special Use Permit is granted; and

**WHEREAS**, The City Council of the City of Edinburg may by an affirmative two-thirds (2/3) vote grant the special use permit for the installation of this type of structure in any zoning district.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, AS FOLLOWS:**

**SECTION I. AUTHORITY OF LAW:** All requirements of the law have been met in the passing of this Ordinance.

**SECTION II.** That a Special Use Permit under Article 2, Land Uses Division 2.4 Limited And Special Uses Section 2.441 Wireless Telecommunications Facilities, of the Unified Development Code of the City of Edinburg, Texas, be granted to Vertical Bridge, LLC for the installation of a Wireless Communications Tower for a 0.083 acres and a 0.524 acre tract of land situated in the Texas-Mexican Railway Company's Survey, Lot 11, Section 241, being called out of 9.20 acres, located at 322 W. Chapin Street, with the following conditions:

1. The height of the tower is limited to 120 feet at the proposed location. The proposed height

provides for better services and increases possibilities of co-location with other wireless companies

2. The installation, construction and placements of the monopole and tower meet the Federal Communications Commission (FCC) standards and the Federal Aviation Administration (FAA).
3. The monopole meets or exceeds the wind loads for this region.
4. The installation of the tower is coordinated with the City's Code Enforcement/Permit Office.
5. No advertising is permitted on the proposed tower.
6. No sign or illuminations are placed on the proposed tower unless required by state or federal requirements.
7. That the location is secured, properly maintained, and access to the site meets the City's requirements, being a minimum of 20 feet wide all weather surface access road or driveway.
8. That the monopole tower and equipment facilities are painted in accordance with the City's architectural standards, which provides for brown or tan as the primary colors for commercial structures in the community. The site is well maintained, free of brush and other debris.
9. Vertical Bridge Development, LLC. executes an agreement holding the City legally harmless as a result of having issued the permit, and includes T-Mobile Communications liability insurance as an added certificate holder for this tower upon approval of the permit. A copy of the certificate is to be provided to the City before the issuance of appropriate building permits.
10. Vertical Bridge Development, LLC. allows, without a financial obligation, City use of the tower for public purposes.
11. Vertical Bridge Development, LLC. allows for on-premises co-location lease contracts with industry partners to the maximum capacity allowed by the tower. Efforts should be geared toward meeting appropriate specifications so that the tower and monopole have the most co-location capacity available under current state-of-the-art technology worldwide.

**SECTION III. REPEALER CLAUSE:** This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

**SECTION IV. SAVINGS CLAUSE:** If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**SECTION V. PUBLICATION AND EFFECTIVE DATE:** This Ordinance shall take effect immediately upon its passage and publication according to law.

**SECTION VI. CODIFICATION:** That this Ordinance shall not be published in the Code of Ordinances of the City of Edinburg, Texas, as it is not amendatory thereof.

**SECTION VII. WAIVER CLAUSE:** This requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

**READ, CONSIDERED, PASSED AND APPROVED** at a regular meeting of the City Council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 4<sup>th</sup> day of May, 2021.

**CITY OF EDINBURG**

By: 

Richard Molina, Mayor

**ATTEST:**

By: 

Myra L. Ayala, City Secretary



**APPROVED AS TO FORM:**

OMAR OCHOA LAW FIRM, P.C.

By: 

Omar Ochoa, City Attorney