



**FARMERS
BRANCH**

ORDINANCE NUMBER 2311

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; SO AS TO GRANT A SPECIFIC USE PERMIT FOR A MONOPOLE CELLULAR COMMUNICATIONS TOWER AND ANTENNA AND AN ASSOCIATED EQUIPMENT CABINET WITHIN A LOCAL RETAIL 2 (LR-2) ZONING DISTRICT AT 14400 JOSEY LANE; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to amending the Zoning Ordinance Regulations have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Farmers Branch is of the opinion that a change in such zoning should be made.

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

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit for erection of a monopole cellular communications tower and antenna, total height not to exceed eighty-six and one-half (86.5) feet, and associated equipment cabinet eight (8) feet by twelve (12) feet by ten (10) feet tall, in a Local Retail-2 (LR-2) zoning district and located approximately twenty (20) feet northeast of the southeast corner of the Texas Utilities Electric service center building at 14400 Josey Lane.

SECTION 2. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended and by the granting of a specific use permit for a monopole cellular communications tower and antenna and an equipment cabinet.

SECTION 3. That the cellular communications tower and antenna and equipment cabinet shall be constructed and specifically located in accordance with the approved site plan attached as Exhibit "A" and subject to all conditions stated herein.

SECTION 4. The Planning and Zoning Commission, by unanimous vote, recommends the Specific Use permit for the telecommunication antenna tower and associated equipment cabinet be approved subject to the following conditions:

- 1) That a screening hedge of photinias or similar shrubs which respect the security concerns of the property owner and would also be subject to staff approval, be planted along the south side of the existing chain link fence parallel to Hollandale Lane (approximately 200'), along the full length of the east property line (150'), and along the chain link fence following the north property line, parallel to the alley, for a distance of 100 feet commencing at the northeast corner of the property.
- 2) That along the east property line, said screening hedge shrubs shall be permitted to attain a minimum height of fifteen feet and be subsequently maintained at a height not less than fifteen feet. All other screening shrubs shall be permitted to reach a height of eight feet and be maintained at a height of not less than eight feet.
- 3) That the site and monopole shall be made available for future co-location of at least one additional telecommunications server, subject to appropriate amendment of this Specific Use Permit.
- 4) That the owner shall remove the monopole, antenna, equipment cabinet, and all associated appurtenances at such time that the antenna and equipment cabinet become obsolete and the use is abandoned, within ninety (90) days of receipt of written notice from the City.

SECTION 5. 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 Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two-thousand (\$2,000.00) dollars for each offense.

SECTION 6. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 7. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.