



ORDINANCE NUMBER 2347

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 "CELLULAR MOBILE TELEPHONE ANTENNA" SEVENTY-FIVE (75) FEET IN HEIGHT WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT AT 13835 WELCH ROAD; REPEALING ORDINANCE NO. 1953; PROVIDING FOR CONDITION OF OPERATION; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING 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 and Zoning Map, 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, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning use 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 a cellular mobile telephone antenna seventy-five (75) feet in height within the Light Industrial (LI) zoning district at 13835 Welch Road.

SECTION 2. That the cellular mobile telephone antenna shall be constructed and specifically located in accordance with the approved site plan attached as Exhibit "A" and subject to all conditions and provisions stated herein.

SECTION 3. 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 cellular mobile telephone antenna at 13835 Welch Road.

SECTION 4. That the monopole shall be a galvanized steel pole.

SECTION 5. That the owner shall remove the monopole antenna, equipment building, and all associated appurtenances within ninety (90) days subsequent to such time that the antenna and equipment building become obsolete and the use is abandoned.

SECTION 6. That Ordinance Number 1953 is hereby repealed.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon convictions shall be punishable by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 8. 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 9. 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.

SECTION 10. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 22 day of September, 1997.

APPROVED:



Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary