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ORDINANCE NUMBER 2503

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 TO ALLOW FOR THE REMOVAL OF TWELVE (12) EXISTING ANTENNAS AND THE PLACEMENT OF NINE (9) NEW CELLULAR ANTENNAS ON THE EXISTING MUNICIPAL WATER TOWER LOCATED AT 3723 VALLEY VIEW LANE WITHIN THE ONE FAMILY RESIDENCE-2 (R-2) ZONING DISTRICT AT 3723 VALLEY VIEW LANE; REPEALING ORDINANCE NUMBER 2381; 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 to allow for the removal of twelve (12) existing antennas and the placement of nine (9) new cellular antennas on the existing municipal water tower located at 3723 Valley View Lane within the One Family Residence-2 (R-2) zoning district.

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 by the granting of a specific use permit and approval of an associated site plan for a cellular communications antenna and an equipment building to be constructed, situated and located in accordance with the approved site plan attached as Exhibit "A" and subject to all conditions stated herein.

SECTION 3. The design for removal, restoration of tank, and installation of cellular antennas shall be done by a professional engineer and such designs shall be approved by the City prior to permission being granted for installation. The design shall include maintaining the structural integrity of the tank, during and after installation.

SECTION 4. That Nextel of Texas shall install landscaping , subject to Staff approval, after the Phase II enhancement of the Farmers Branch Justice Center are completed.

SECTION 5. Nextel of Texas, Inc., or subsequent owner of the antenna and equipment building, shall remove the cellular communications antenna, associated equipment building, and all appurtenances within ninety (90) days subsequent to such time that the antenna and equipment building becomes obsolete and the use is abandoned.

SECTION 6. That Ordinance Number 2381 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 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.

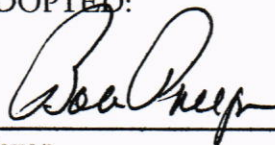
SECTION 8. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

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, and as the law in such case provides.

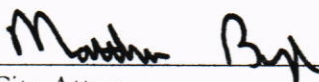
Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 7 day of September, 1999.

ADOPTED:



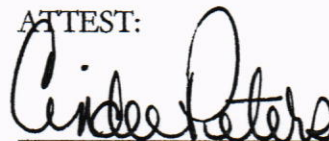
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary