



ORDINANCE NUMBER 2527

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 COMMUNICATIONS ANTENNA SYSTEM AND AN EQUIPMENT BUILDING WITHIN THE ONE FAMILY RESIDENCE-2 (R-2) ZONING DISTRICT AT 3723 VALLEY VIEW 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 a cellular communications antenna system to be mounted on the side of the existing City of Farmers Branch water tower located at 3723 Valley View Lane east of the City of Farmers Branch Police and Municipal Court building within the One Family Residence-2 (R-2) zoning district. The antenna system shall include nine (9) panels painted the color of the water tower, each matching in size and shape, and alternately spaced in groups of three (3) between the already existing antennas in the topmost row around the tower at a height of 100 feet above grade.

An associated equipment building, approximately 240 square feet in area and ten feet nine inches (10' 9") in height shall be placed at the southwest base of the water tower adjacent and parallel to the existing Nextel and approved AT&T equipment buildings.

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. That the equipment building's exterior finish shall match the color of the Farmers Branch Justice Center screening wall fronting Valley View Lane, the exterior walls be split-face masonry block, and the building have a flat roof, unless otherwise approved by City Staff.

SECTION 4. That Southwestern Bell Wireless or subsequent owner of the antenna system and equipment building, shall remove the wireless 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 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.

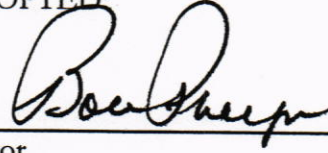
SECTION 6. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

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.

SECTION 8. 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 3rd day of April, 1998.

ADOPTED:



Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary