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ORDINANCE NUMBER 2609

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT FOR NINE CELLULAR COMMUNICATIONS ANTENNA PANELS TO BE MOUNTED ON THE NORTHEAST, NORTHWEST, AND SOUTHEAST CORNERS OF THE TXU TRANSMISSION TOWER LOCATED AT 13653 INWOOD ROAD NEAR THE NORTHEAST CORNER OF INWOOD ROAD AND ALPHA ROAD, WITHIN THE PLANNED DEVELOPMENT NO. 41 ZONING DISTRICT.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and the state law with reference to the granting of changes to the zoning classifications under 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 due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made;

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

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. 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 the placement of nine (9) cellular communications antenna panels, mounted on the northeast, northwest, and southeast corners of the TXU transmission tower, and an associated equipment enclosure, located at 13653 Inwood Road and within the Planned Development Number 41 (PD-41) zoning district.

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 by the granting of a Specific Use Permit and approval of an associated site plan for the placement of nine (9) antenna panels and an associated equipment enclosure to be constructed, situated and located in accordance with the approved site plan attached as Exhibit "A".

SECTION 4. That all landscaping, irrigation installation, and maintenance for the antenna system shall be the sole responsibility of AT&T Wireless Services, L.L.P., or assigns or successors.

SECTION 5. That the irrigation system provided by AT&T Wireless Services, L.L.P. shall be separate from the existing Stanford Park irrigation system; however, the watering schedule shall be coordinated with North Dallas Athletic Club. The existing irrigation system shall be modified by AT&T Wireless Services, L.L.P., as appropriate, to accommodate installation of the antenna system and related improvements.

SECTION 6. That a copy of the maintenance contract(s) for the landscaping and irrigation systems shall be provided to the City of Farmers Branch Community Services Department, subject to review and approval by the City of Farmers Branch Parks and Recreation Department, before issuance of a Certificate of Occupancy for the antenna installation. AT&T Wireless Services, L.L.P., shall provide the City copies of any renewals of said contracts.