



ORDINANCE NO. 1326

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH AS HERETOFORE AMENDED; BY AMENDING ORDINANCE #996 SO AS TO ALLOW A RADIO TOWER TO BE PERMITTED WITHIN THE PD-18 (O) ZONING DISTRICT; ESTABLISHING A PENALTY OF FINE NOT TO EXCEED TWO HUNDRED DOLARS (\$200.00) FOR EACH OFFENSE, PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

WHEREAS, the City Plan 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 the granting of changes of zoning under the zoning ordinance regulations and zoning map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the 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 changes of zoning should be granted, subject to the conditions set out herein;

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 Section 1 of Ordinance #996 to read as follows:

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 change the zoning on the following described tract of land from Office ("O") to Planned Development District Number 18, allowing Office (O) uses and constructed to Office (O) standards only, except that one (1) radio tower not to exceed 180' in height may be erected provided the tower, type of construction, height, and location is approved on a site plan by the City Council, provided, however, for a period of 6 months from the date of the passage of the ordinance the owner of the property and the contractor who constructed the tower, Motorola Communications, Inc., shall be responsible for monitoring and checking into any complaints of television interference caused by the subject tower and provided further, said owner and said contractor shall make all reasonable efforts to alleviate and correct any such interference caused by signals or transmissions of any type coming from the tower. Said tract being an approximate 30 acre tract of land in the H. C. Marsh Survey, Abstract No. 915, Dallas County, Texas, being part of property now owned and occupied by Brookhaven Medical Center, Inc. in the City of Farmers Branch, Texas; said approxiamte 30 acre tract of land being more particularly described as follows:

BEGINNING: at the intersection of the northerly property line of Brookhaven Medical Center, Inc. (Said northerly line also being the south boundary line of Chapel Hill Addition Number 2.), with the easterly right-of-way line of Webb Chapel Road.

THENCE; In an easterly direction along the south boundary line of Chapel Hill Addition Number 2 to a point in the east right-of-way line of Eunice Street.

THENCE; In an eastwardly direction along a line parallel to Myra Lane, said line being the zoning district boundary line as shown on the attached exhibit A, to a point for corner in the west right-of-way line of a 25' strip of City of Farmers Branch street right-of-way.

THENCE; In a southerly direction along the west line of the 25' strip of City of Farmers Branch street right-of-way to a point for corner, said point being the intersection of the west right-of-way line with the south right-of-way line of the 25' strip of City of Farmers Branch street right-of-way.

THENCE; S 71° 46' W along the south right-of-way line of the 25' strip of City of Farmers Branch street right-of-way, 529.7' to a point for corner, said point lying within the west right-of-way line of Templeton Trail.

THENCE; S 00° 07' E for a distance of 179.97' to a point for corner said point being the intersection of the extension of the west right-of-way line of Templeton Trail and the north right-of-way line of Interstate Highway 635.

THENCE; In a westerly direction along the north right-of-way line of Interstate Highway 635 to the intersection of the east property line of the Humble Oil Company tract, for a point for corner.

THENCE; Along the east property line of the Humble Oil Company tract 160' to a point for corner, said point being the intersection of the east property line with the north property line of the Humble Oil Company tract.

THENCE; Westerly, along the north property line of the Humble Oil Company tract 175' to a point for corner, said point being within the east right-of-way line of Webb Chapel Road.

THENCE; In a northerly direction along the east right-of-way line of Webb Chapel to the intersection of the south boundary line of Chapel Hill Addition Number 2, said intersection being the place of beginning.

SECTION 2. That the above described tract of land shall be used only in the manner and for the purposes established by the Comprehensive Zoning Ordinance of the City of Farmers Branch for office uses and standards.

SECTION 3. 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 Two Hundred (\$200.00) Dollars for each offense.

SECTION 4. Injunctive Relief. In the addition to and cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 5. 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 6. Whereas, it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Farmers Branch, it creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage, and publication of the caption of said Ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Farmers Branch, Texas on the 17th day of November, 1980.

APPROVED:




Mayor Bill Binford
DULY RECOMMENDED:

APPROVED AS TO FORM:



City Attorney



City Secretary