



## **FARMERS BRANCH**

### **ORDINANCE NUMBER 2552**

**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 – INTERIM USE BEGINNING ON JULY 24, 2000, AND EXPIRING ON MARCH 31, 2011, TO ALLOW THE PLACEMENT OF NINE CELLULAR ANTENNA PANELS ON THE EXISTING MONOPOLE TOWER LOCATED AT 1641 KEENAN BRIDGE ROAD AND LOCATED WITHIN PLANNED DEVELOPMENT NUMBER 77, ZONING DISTRICT (PD-77); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, City Council finds and determines, on the basis of facts presented on the application for a Specific Use Permit - Interim Use and at the public hearings, the following:

1. That the proposed use is consistent with the existing uses of adjacent and nearby property;
2. That the proposed use is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; and (b) the use of the property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;
3. That the proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit-Interim Use is in effect;
4. That the proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan; and
5. That any investment contemplated to be made by the applicant in the property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration of the permit.



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 specific use permits - interim use under the Zoning Ordinance 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, subject to the conditions set out herein; and

WHEREAS, the applicant has agreed to be bound by the terms of their application and the provisions contained in the Zoning Ordinance concerning the granting of a specific use permit-interim use; and

WHEREAS, the applicant has committed that the value of any improvements to be constructed or installed pursuant to this Ordinance will be fully amortized prior to the expiration of the specific use permit-interim use.

**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 – Interim Use beginning on July 24, 2000 and expiring on March 31, 2011, to allow the placement of nine cellular antenna panels on the existing monopole tower located at 1631 Keenan Bridge Road and located within the Planned Development Number 77 (PD-77) 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 – interim use and approval of an associated site plan for the placement of nine cellular antenna panels on the existing monopole tower in accordance with the approved site plan attached as Exhibit “A.”

**SECTION 4.** That Nextel or the subsequent owner of the antenna system and equipment building considered under the purview of this specific use permit, 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 or 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 punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.