



S-349

ORDINANCE NUMBER 2822

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY REPEALING ORDINANCE NUMBER 2770 AND BY GRANTING A SPECIFIC USE PERMIT TO ALLOW AN 18-FOOT EXTENSION TO AN EXISTING 90-FOOT TALL MONOPOLE TOWER, COLLOCATION OF TWELVE ADDITIONAL CELLULAR ANTENNA PANELS TO BE MOUNTED AT A HEIGHT OF 99 FEET ON THE TOWER AND A 230 SQUARE-FOOT EQUIPMENT SHELTER AT THE BASE OF THE TOWER LOCATED ON AN APPROXIMATELY 1.03-ACRE TRACT AT 14400 JOSEY LANE, WITHIN THE LOCAL RETAIL-2 ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING 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, 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

City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
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WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, 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 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 herein above are found to be true and correct and are incorporated herein by reference 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 for an 18-foot extension to an existing 90-foot tall monopole tower, collocation of twelve additional cellular antenna panels to be mounted at a height of 99 feet on the tower (see Exhibit "A") and a 230 square-foot equipment shelter in a 520 square foot lease area at the base of the tower (see Exhibit "B") located on an approximately 1.03 acre tract at 14400 Josey Lane (see Exhibit "C") within the Local Retail-2 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 for collocation of an 18-foot extension to an existing 90-foot tall monopole tower, collocation of twelve additional cellular antenna panels to be mounted at a height of 99 feet on the tower and a 230 square-foot equipment shelter at the base of the tower, situated in accordance with the lease areas (Exhibit "A" and Exhibit "B") and the approved site plan attached as Exhibit "D" and subject to the following conditions:

1. Before utility release for operation of the proposed antenna installation, the landscaping materials and irrigation system shall be installed in accordance with the landscape plan and the improvements inspected by staff.