

5-363



ORDINANCE NO. 2880

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 TO COLLOCATE A SIX-PANEL CELLULAR COMMUNICATIONS ANTENNA SYSTEM ON THE CITY OF FARMERS BRANCH WATER TOWER LOCATED ON APPROXIMATELY 6.01 ACRES AT 3725 VALLEY VIEW LANE, GENERALLY LOCATED ON THE NORTH SIDE OF VALLEY VIEW LANE AND EAST OF MARSH LANE WITHIN THE ONE FAMILY RESIDENCE DISTRICT-2 (R-2) ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING 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

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 City 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 changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices 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 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 the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance 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 changing the zoning map of the City of Farmers Branch so as to grant a specific use permit for collocation of a six-panel cellular communications antenna system to be mounted on the existing City of Farmers Branch water tower east of the City of Farmers Branch Justice Center building, approximately 6.01 acres located at 3725 Valley View Lane within the One Family Residence District-2 zoning district as described in Exhibit "A" and more fully depicted in Exhibit "B" attached hereto.

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 including an associated site plan for a cellular communications antenna system and equipment building to be constructed, situated and located in accordance with the lease area attached hereto as Exhibit "C" and the approved site plan attached hereto as Exhibit "D" and with the following conditions:

1. The equipment shelter's exterior finish shall match the color of the Justice Center building and the antennas shall match the color of the water tower.
2. MetroPCS or subsequent owner of the antenna system and equipment shelter shall remove the wireless communications antenna, associated equipment shelter, and all appurtenances within ninety (90) days subsequent to such time that the antenna and equipment shelter become obsolete and the use is abandoned.