

ORDINANCE NO. 3302



AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING ORDINANCE NO. 2553, AS AMENDED BY ORDINANCE NO. 2741, GRANTING A SPECIFIC USE PERMIT FOR INSTALLATION OF A TELECOMMUNICATION TOWER ON A LOT 5, BLOCK 7, VALWOOD PARK FARMERS BRANCH, PHASE 2, AN ADDITON TO THE CITY OF FARMERS BRANCH, TEXAS, (MORE COMMONLY KNOWN AS 13850 DIPLOMAT, FARMERS BRANCH, TEXAS), WHICH PROPERTY IS LOCATED IN PLANNED DEVELOPMENT NUMBER 22 (PD-22); PROVIDING FOR APPROVAL OF A SITE PLAN; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE SUBJECT TO PUBLICATION AND RECORDING

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and, after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

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

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by amending Ordinance No. 2553, as amended by Ordinance No. 2741, granting a Specific Use Permit for installation of a telecommunications monopole within the Planned Development Number 22 (PD-22) zoning district on the land described as Lot 5, Block 7, Valwood Park Farmers Branch, Phase 2, an addition to the City of Farmers Branch, Texas (more commonly known as 13850 Diplomat)("the Property").

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 22 (PD-22) Zoning District as well as the following special conditions:

- A. The tower, antennas, and equipment sheds shall be installed in accordance with

the Site Plan attached hereto as Exhibit "A" and incorporated herein by reference, and which is hereby approved.

B. The tower, antennas, and equipment sheds must be either painted or constructed of materials of a matching gray or bluish-gray color.

C. The location of the tower and equipment sheds shall be fenced, screened, and/or landscaped as substantially shown on Exhibit "A", hereto.

D. The owner of the tower, antenna system, and all associated equipment installed pursuant to the Specific Use Permit granted pursuant to Ordinance No. 2553, as amended by Ordinance No. 2741 and this Ordinance, shall remove all antennas, microwave dishes, mounting brackets, and associated cabling and equipment not later than ninety (90) days following the discontinuance or abandonment of the use of such antennas, dishes, or equipment as the result of obsolescence or otherwise.

E. The replacement of equipment, including antennas located on the tower, shall not require an amendment to this Specific Use Permit as long as the replacement antennas are located substantially within the area of the tower where the antennas are shown on Exhibit "A," hereto, they otherwise comply with the regulations of the Specific Use Permit as amended, and they do not result in the highest point of any part of the tower or any antenna exceeding 84.0 feet above the ground.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Section 1, above. In the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch, the provisions of this ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense;