



ORDINANCE NO. 3458

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, ADOPTING THE CITY OF FARMERS BRANCH DESIGN MANUAL FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CHAPTER 284; AND DESIGNATING DESIGN DISTRICTS FOR THE INSTALLATION OF NETWORK NODES AND NODES SUPPORT POLES, TO BE DESIGNATED THEREIN; AND AUTHORIZING THE CITY MANAGER AND/OR HIS DESIGNEE TO AMEND THE DESIGN MANUAL AS NECESSARY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 284 of the Local Government Code, effective September 1, 2017, provides a regulatory framework governing the installation of Nodes and Node Support Poles in the City's Right-of-Way; and

WHEREAS, pursuant to Chapter 284, Network Providers installing wireless equipment in the City's Right-of-Way must comply with the Design Manual adopted by the City for that purpose; and

WHEREAS, Chapter 284 authorizes the City to designate Design Districts and Historic Districts, wherein heightened aesthetic requirements may be applied to such equipment; and

WHEREAS, the City of Farmers Branch has determined that certain areas of the city which should be designated as design districts, for purposes of Chapter 284, in order to preserve the character and aesthetic qualities of these areas;

WHEREAS, the City Council, in the exercise of its legislative discretion, has concluded that the attached Design Manual should be approved;

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

SECTION 1. The following areas of the City of Farmers Branch hereby designated as Design Districts for the installation of network nodes and node support poles, pursuant to Chapter 284 of the Local Government Code:

The areas designated on the City's Zoning Map, and depicted on Exhibit A, as follows:

Planned Developments Districts 1 through 99

SECTION 2. The Farmers Branch Design Manual for the Installation of Network Nodes and Node Support Poles, attached hereto as Exhibit "B", is hereby adopted. All Network Providers

seeking to install wireless equipment in the right-of-way of the City of Farmers Branch pursuant to Chapter 284 of the Local Government Code must comply with this Design Manual.

SECTION 3. The City Manager and/or his designee is hereby authorized to amend the Design Manual as he determines to be necessary and appropriate and in the best interest of the City.

SECTION 4. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 15 DAY OF AUGUST, 2017.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney

(aga:7/13/2017:88057)

EXHIBIT "A"

City of Farmers Branch Small Cell Node Design Districts

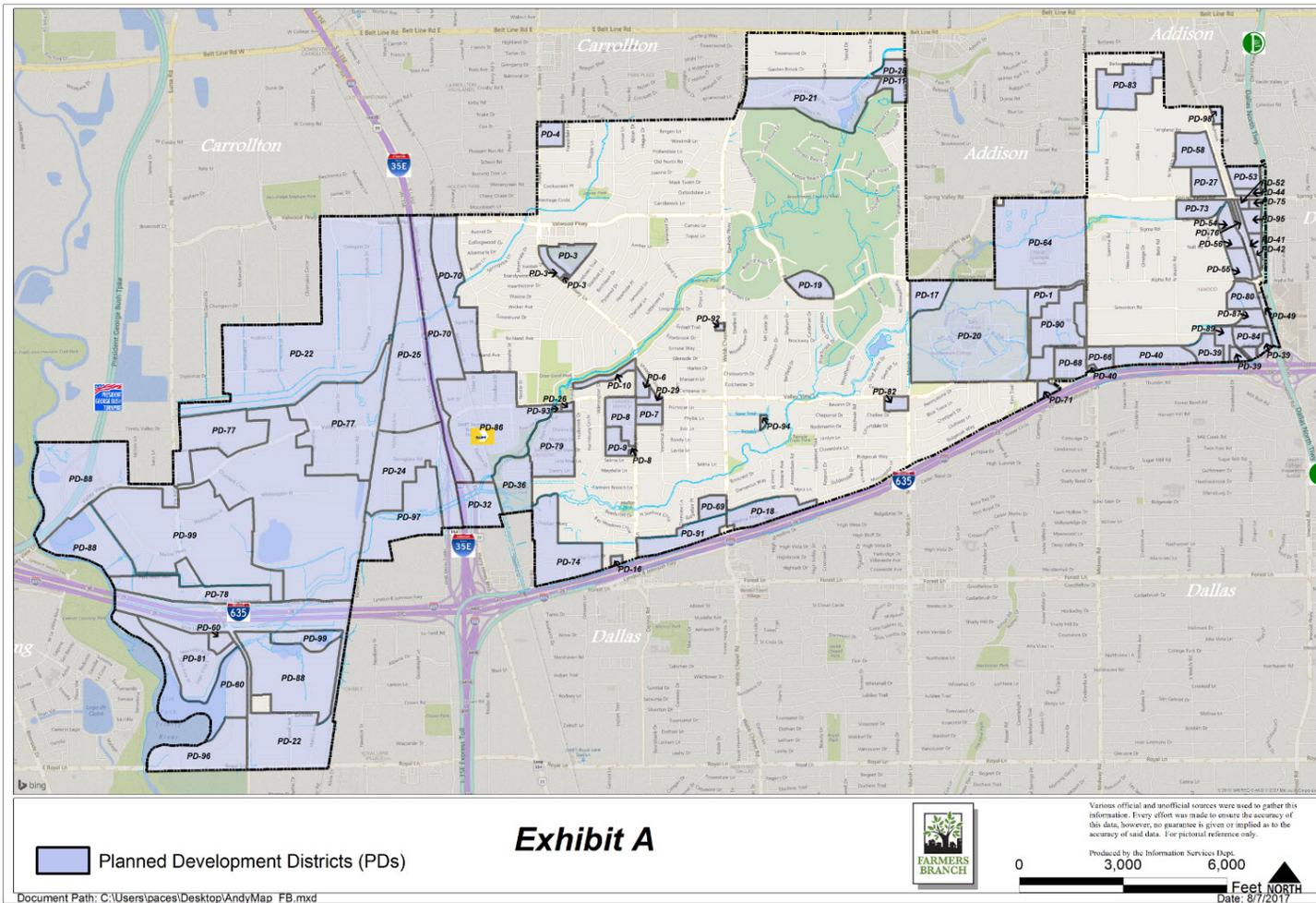


EXHIBIT “B”

**City of Farmers Branch
Design Manual**