

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF COPPELL, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM S-1195-TC (SPECIAL USE PERMIT-1195 TOWN CENTER) TO S-1195R5-TC (SPECIAL USE PERMIT-1195 REVISION 5-TOWN CENTER), TO AMEND THE SPECIAL USE PERMIT TO ALLOW A TELECOMMUNICATION TOWER AND EXPANSION TO THE CONCESSION/RESTROOM FACILITY TO HOUSE THE TELECOMMUNICATION EQUIPMENT ON PROPERTY LOCATED APPROXIMATELY 150 FEET EAST OF N. DENTON TAP ROAD AND APPROXIMATELY 1,050 FEET NORTH OF PARKWAY BLVD. (ANDY BROWN CENTRAL), AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE APPROVAL OF THE SITE PLAN WITH TOWER ELEVATION, DETAIL SITE PLAN, EQUIPMENT COMPOUND ELEVATION, ATTACHED HERETO AS EXHIBITS "B", "C" AND "D" PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Planning and Zoning Commission and the governing body of the City of Coppel, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Zoning Ordinance of the City of Coppel, have given 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 all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Application No.S-1195R5-TC should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of Coppel, Texas, duly passed by the governing body of the City of Coppel, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from S-1195-TC (Special Use Permit-1195 -Town Center) to S-1195R5-TC (Special Use Permit-1195 Revision 5-Town Center), to amend the Special Use Permit to allow a telecommunication tower, antenna and expansion to the

concession/restroom facility building to house telecommunication equipment on property located approximately 150 feet east of N. Denton Tap Road and approximately 1,050 feet north of Parkway Blvd. (Andy Brown Central), for the property described in Exhibit “A” attached hereto and made a part hereof for all purposes.

**SECTION 2.** That the Property will be used and developed for Town Center purposes as provided in the Code of Ordinance and to allow the construction and maintenance of an eighty (85’) foot high telecommunication tower, in accordance with to S-1195R5-TC (Special Use Permit-1195 Revision 5-Town Center), is hereby approved subject to the following special conditions and regulations:

- A. The development shall be in strict compliance with the Site Plan with Tower Elevation, Detail Site Plan, and Equipment Compound Elevation, as set forth in Exhibits “B”, “C” and “D”, respectively as adopted in Section 3 of this Ordinance.
- B. The construction and maintenance of the tower, antenna and equipment building shall not interfere with use and activities in the park.
- C. That all vehicle, equipment and materials for construction and maintenance shall be prohibited from use or access of the game and/or athletic fields.
- D. That any and all damage to the park facility or utilities, including but not limited to parking lot, landscaping, irrigation system, athletic or game fields, fencing, other city improvements, sidewalks and/or concession buildings shall be repaired solely by the telecommunication facility owner, its agents and/or contractors subject to the approval and acceptance of the City of Coppell Parks Department; any such repairs or renovation shall be at the sole expense of the telecommunication owner.

**SECTION 3.** That the Site Plan with Tower Elevation, Detail Site Plan, and Equipment Compound Elevation, attached hereto as Exhibits “B”, “C”, and “D”, respectively and made a part hereof for all purposes, are hereby approved.

**SECTION 4.** That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Coppell, as heretofore amended, and as amended herein.

**SECTION 5.** That the development of the property herein shall be in accordance with building regulations, zoning ordinances, and any applicable ordinances except as may be specifically altered or amended herein.

**SECTION 6.** That all provisions of the Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 7.** That 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 unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 8.** 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 9.** 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 Coppell, as heretofore amended, and upon conviction shall be punished by a

fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 10.** That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Coppell, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
KAREN SELBO HUNT

ATTEST:

\_\_\_\_\_  
CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
ROBERT E. HAGER, CITY ATTORNEY  
(REH)