

12-5-18

ORDINANCE NO. 31064

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as an R-7.5(A) Single Family District:

BEING all of Lot 4 in City Block 3/5018 located at the south corner of Fordham Road and Gladewater Road; fronting approximately 149.79 feet along the southeast line of Fordham Road; fronting approximately 307.94 feet along the southwest line of Gladewater Road; and containing approximately 1.04 acres,

to be used under Specific Use Permit No. 2313 for a tower/antenna for cellular communication; providing that this specific use permit shall be granted subject to certain conditions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the following property (“the Property”), which is presently zoned as an R-7.5(A) Single Family District, to be used under Specific Use Permit No. 2313 for a tower/antenna for cellular communication:

BEING all of Lot 4 in City Block 3/5018 located at the south corner of Fordham Road and Gladewater Road; fronting approximately 149.79 feet along the southeast line of Fordham Road; fronting approximately 307.94 feet along the southwest line of Gladewater Road; and containing approximately 1.04 acres.

SECTION 2. That this specific use permit is granted on the following conditions:

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit expires on December 12, 2028, but is eligible for automatic renewal for additional 10-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180<sup>th</sup> but before the 120<sup>th</sup> day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. COLLOCATION: Any tower/antenna support structure must be constructed to support the antenna arrays for at least two other wireless communications carriers. The tower/antenna support structure must be made available to other wireless communication carriers upon reasonable terms.
5. HEIGHT: The tower/antenna for cellular communication may not exceed 134 feet in height.
6. LANDSCAPING: Landscaping must be provided as shown on the attached site plan and elevation.

7. SCREENING: The lease area must be screened by a six-foot-tall masonry wall with a 16-foot-wide iron gate in the location shown on the attached site plan and elevation.
8. STEALTH DESIGN: The tower/antenna for cellular communication must be constructed with a stealth design with the platform concealed within the overall vertical design of the tower.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, on the Property must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the City of Dallas.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

31064

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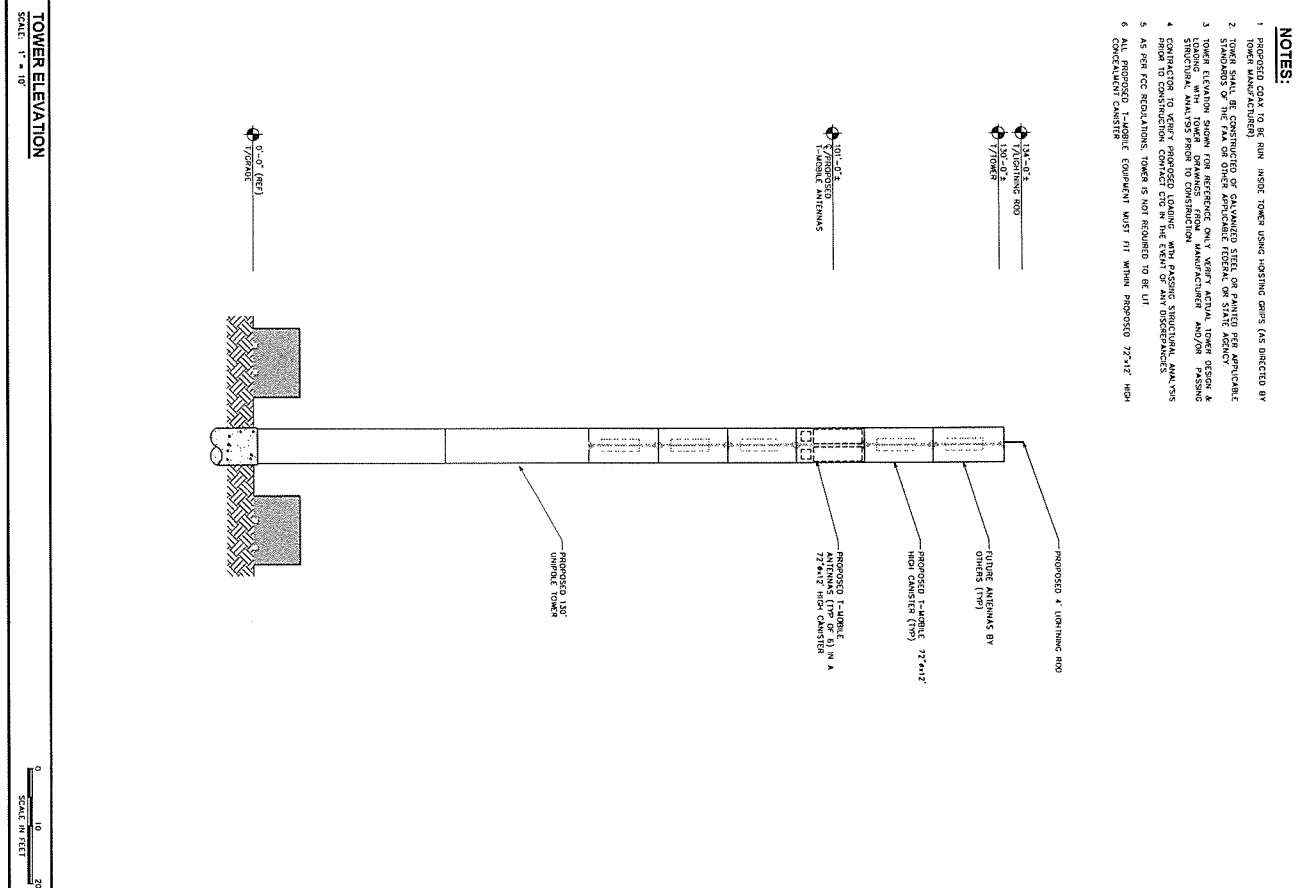
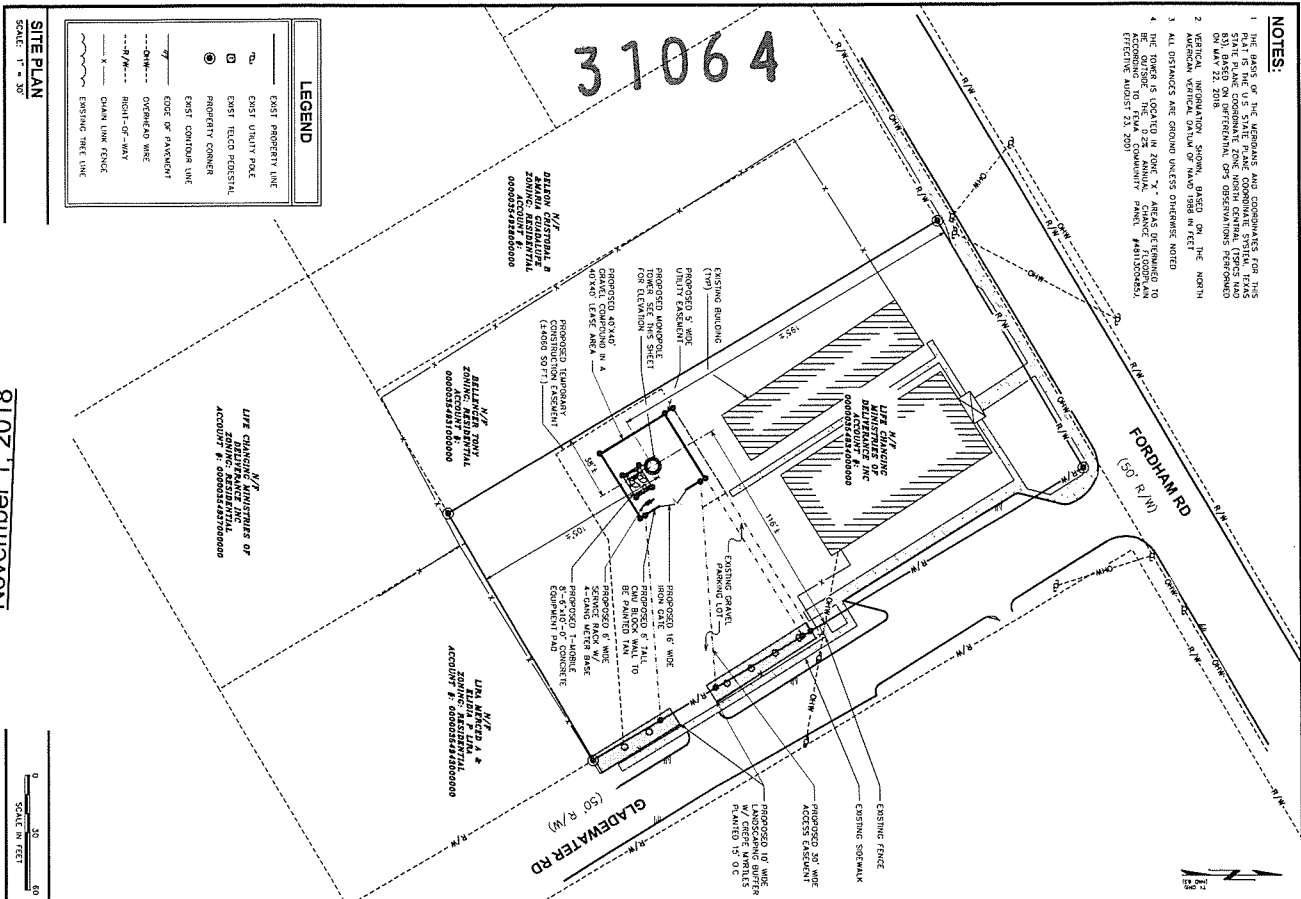
SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By   
Assistant City Attorney

Passed DEC 12 2018



Approved  
City Plan Commission  
November 1, 2018

Specific Use Permit  
No. 2313

<b>SHEET TITLE</b> SITE PLAN & TOWER ELEVATION		<b>PLANS PREPARED BY:</b> TOWER ENGINEERING PROFESSIONALS 326 TRYON ROAD RALEIGH, NC 27603-3530 OFFICE: (919) 861-6351 FAX: (919) 861-6350 TX.FIRM # F-19415		<b>PROJECT INFORMATION:</b> NEW OAK CLIFF CTG SITE ID: TX 0015041 TMO SITE ID: DA03072B 7619 FAYETTEVILLE RD. DURHAM, NC 27713 (DURHAM COUNTY)		<table border="1"> <tr><td>4</td><td>10.01.17.0</td><td>SITE PLAN</td></tr> <tr><td>3</td><td>08.28.16.0</td><td>SITE PLAN</td></tr> <tr><td>2</td><td>08.27.16.0</td><td>SITE PLAN</td></tr> <tr><td>1</td><td>08.27.16.0</td><td>SITE PLAN</td></tr> <tr><td>0</td><td>08.24.16.0</td><td>SITE PLAN</td></tr> <tr><td>REV</td><td>DATE</td><td>ISSUED FOR</td></tr> </table> DRAWN BY: GJB      CHECKED BY: JRM		4	10.01.17.0	SITE PLAN	3	08.28.16.0	SITE PLAN	2	08.27.16.0	SITE PLAN	1	08.27.16.0	SITE PLAN	0	08.24.16.0	SITE PLAN	REV	DATE	ISSUED FOR	<b>PLANS PREPARED FOR:</b> CTG COMMUNICATIONS TOWER GROUP LLC 15720 BIRNHAM HILL AVE., STE 300 CHARLOTTE, NC 28277	
4	10.01.17.0	SITE PLAN																									
3	08.28.16.0	SITE PLAN																									
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0	08.24.16.0	SITE PLAN																									
REV	DATE	ISSUED FOR																									
SHEET NUMBER: <b>C-1</b> REVISION: 2 TEP #: 24025		DATE: 10/27/2017		SCALE: 1" = 10'		SCALE: 1" = 30'																					

31064

KATHLEEN AVE

VOLGA AVE

GARRISON ST

GARRISON ST

EASTER AVE

FORHAM RD

EXETER AVE

CALDER ST

R-7.5(A)

WILHURST AVE

BALL ST

EASTER AVE

CUSTER DR

GLADWATER RD

LOCUST AVE



1:2,400

# ZONING MAP

Case no: Z178-310

Date: 10/18/2018



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL DEC 12 2018

ORDINANCE NUMBER 31064

DATE PUBLISHED DEC 15 2018

ATTESTED BY: