

12-11-18

ORDINANCE NO. 31074

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 and an MF-2(A) Multifamily District:

BEING a tract of land in City Block No. 7576; fronting approximately 300 feet along the south line of Wheatland Road southeast of the south terminus of Racine Drive; and containing 2.617 acres, to be used under Specific Use Permit No. 2315 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 property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”), which is presently zoned as an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, to be used under Specific Use Permit No. 2315 for a tower/antenna for cellular communication.

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 owner 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 180th but before the 120th 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 communication carriers. The tower/antenna support structure must be made available to other wireless communication carriers upon reasonable terms.
5. FENCE: A minimum eight-foot-high vinyl fence and access gate must be provided in the locations shown on the attached site plan and elevation.
6. HEIGHT: The tower/antenna for cellular communication may not exceed 100 feet in height, with a five-foot lightning rod, for a total height not to exceed 105 feet.
7. STEALTH DESIGN: The tower/antenna for cellular communication must be a stealth bell tower with the cables, antennas, and other similar equipment concealed within the overall vertical design of the tower and must be painted or finished in a neutral color.

8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. 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.

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

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GIS_Approved

EXHIBIT A

Being a part of the John S. Tucker Survey, Abstract #1469 and being in City of Dallas Block 7576 and being part of a 53.36 acre tract of land conveyed to W.S. Carter by deed recorded in Volume 618, Page 1335, Deed Records of Dallas County, Texas and being more particularly described as follows:

Beginning at a point in the new south line of Wheatland Road, said point being 512.18 feet South 89 degrees 50 minutes East and 20.0 feet South 0 degrees 10 minutes West from the northwest corner of the said Carter tract and also being in the prolongation of the east line of Racine Drive as it now exists on the north side of Wheatland Road;

Thence South 89 degrees 50 minutes East along the new south line of Wheatland Road parallel with and 50.0 feet south of the original center line of Wheatland Road 300.0 feet to a point for corner;

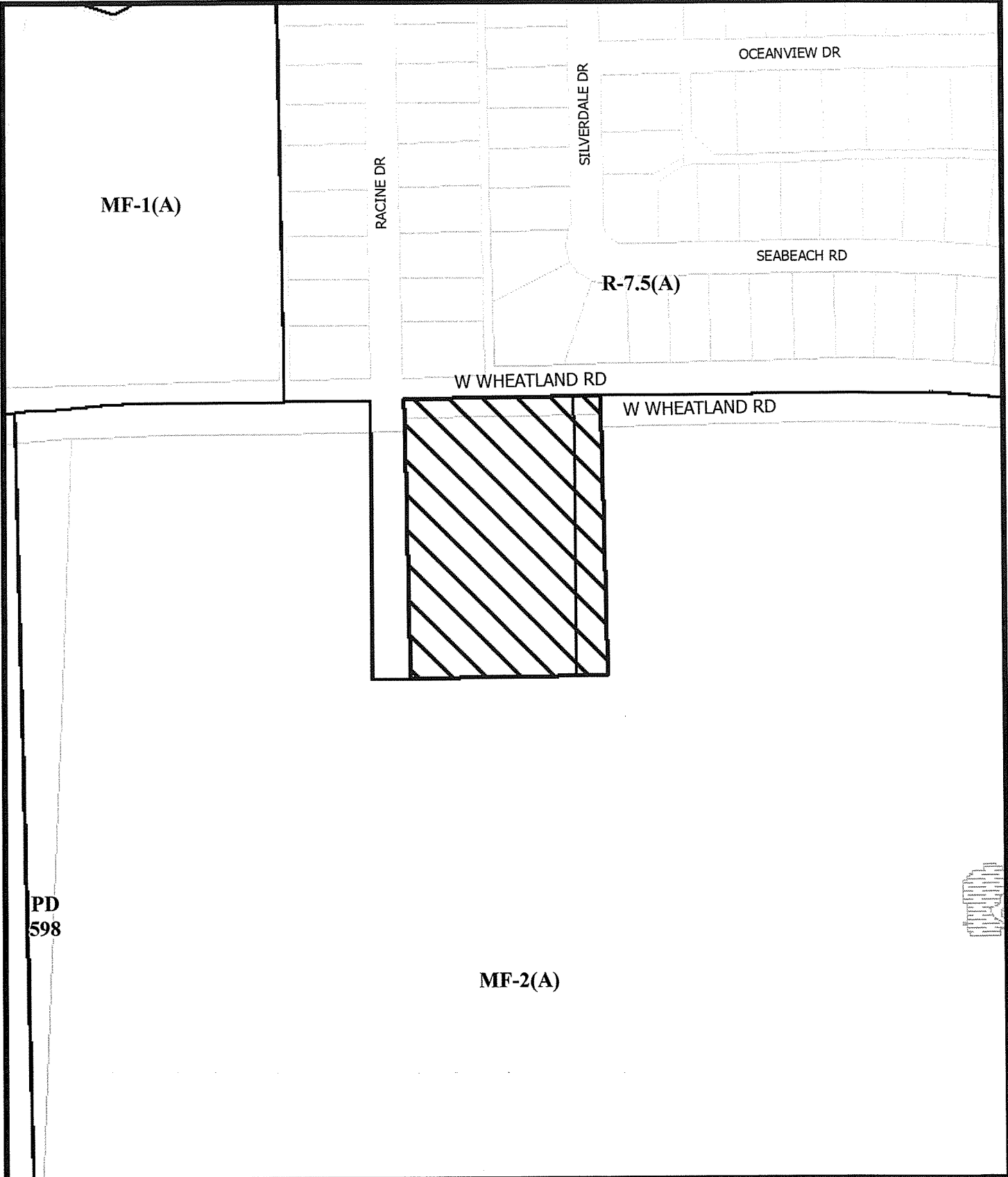
Thence South 0 degrees 10 minutes West 380.0 feet to a point for corner;

Thence North 89 degrees 50 minutes West 300.00 feet to a point for corner;

Thence North 0 degrees 10 minutes East along the proposed East line of Racine Drive 380.0 feet to the place of beginning.

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MF-1(A)

R-7.5(A)

MF-2(A)

PD
598



1:2,400

ZONING MAP

Case no: Z178-140

Date: 6/14/2018



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 31074

DATE PUBLISHED DEC 15 2018

ATTESTED BY: