

ORDINANCE NO. O-2015-70

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; APPROVING A SPECIAL USE PERMIT TO ALLOW FOR A RADIO ANTENNA 52 FEET, SIX INCHES FROM GROUND LEVEL FOR AN INDEFINITE PERIOD OF TIME ON LOT 17A OF NCB 199, ONE LOT TOTALING APPROXIMATELY 0.45 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF BORDER AVENUE AND WEST BOW STREET (520 WEST BOW STREET); PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the special use should be made as set forth herein;

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

PART 1: That the following special use is hereby approved as follows:

I. APPLICATION S07-15-014

That the following described property, which is currently zoned "C-2", General Commercial District, shall hereafter be used under a special use permit to allow for a radio antenna 52 feet, six inches from ground level, to-wit:

Lot 17A of NCB 199, one lot totaling approximately 0.45 acres of land located at the southeast corner of Border Avenue and West Bow Street (520 West Bow Street), for an indefinite period of time.

PART 2: Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

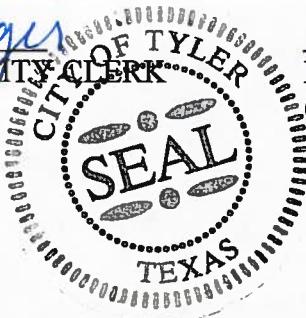
PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be July 24th, 2015.

PASSED AND APPROVED this the 22nd day of July, A.D., 2015.

Edward Moore
EDWARD MOORE, MAYOR PRO TEM
OF THE CITY OF TYLER, TEXAS

ATTEST:

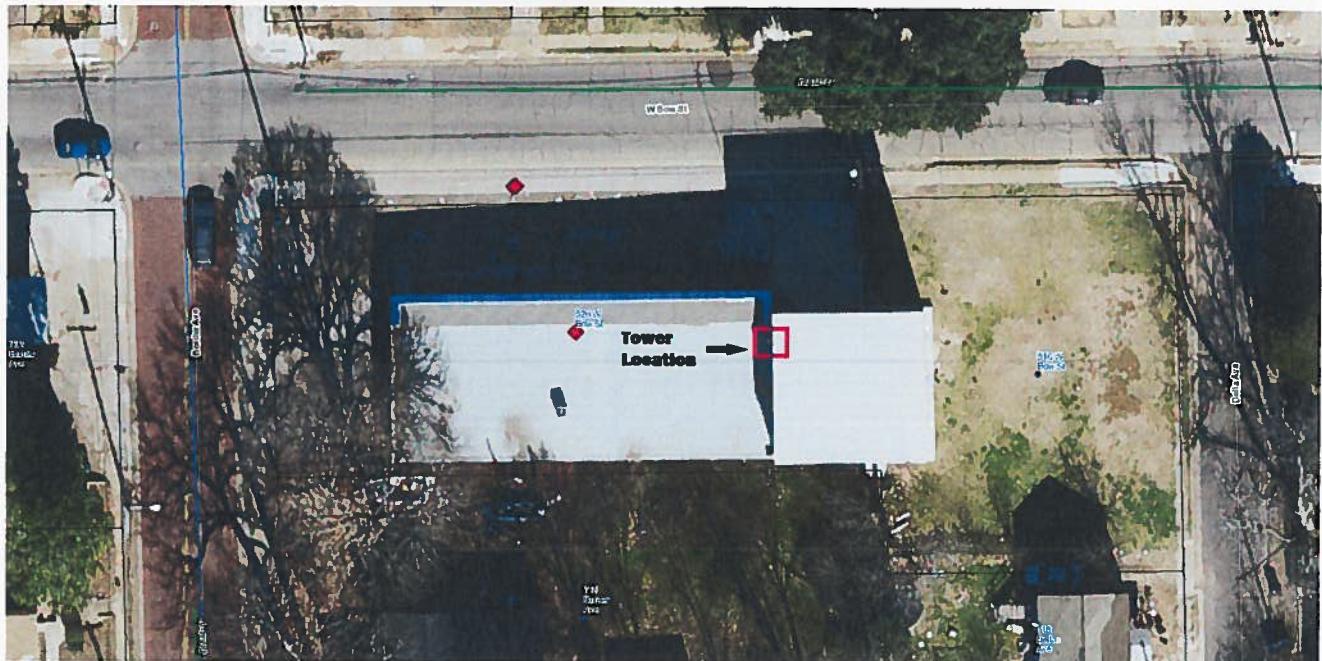
Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



APPROVED:

Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2015-70
EXHIBIT "A"
SITE PLAN MATERIALS
1 of 2



ORDINANCE NO. O-2015-70
EXHIBIT "A"
SITE PLAN MATERIALS
2 of 2



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76193

Aeronautical Study No.
2015-ASW-3194-OE

Issued Date: 06/04/2015

IGLESIA DE DIOS JESUCRISTO MANANTIALES DE VIDA
NOB CAMACHO
323 W. SELMAN ST.
TYLER, TX 75702

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna - Top Mount LPFM RADIO ANTENNA
Location:	TYLER, TX
Latitude:	32-21-28.00N NAD 83
Longitude:	95-18-21.00W
Heights:	550 feet site elevation (SE) 52 feet above ground level (AGL) 602 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

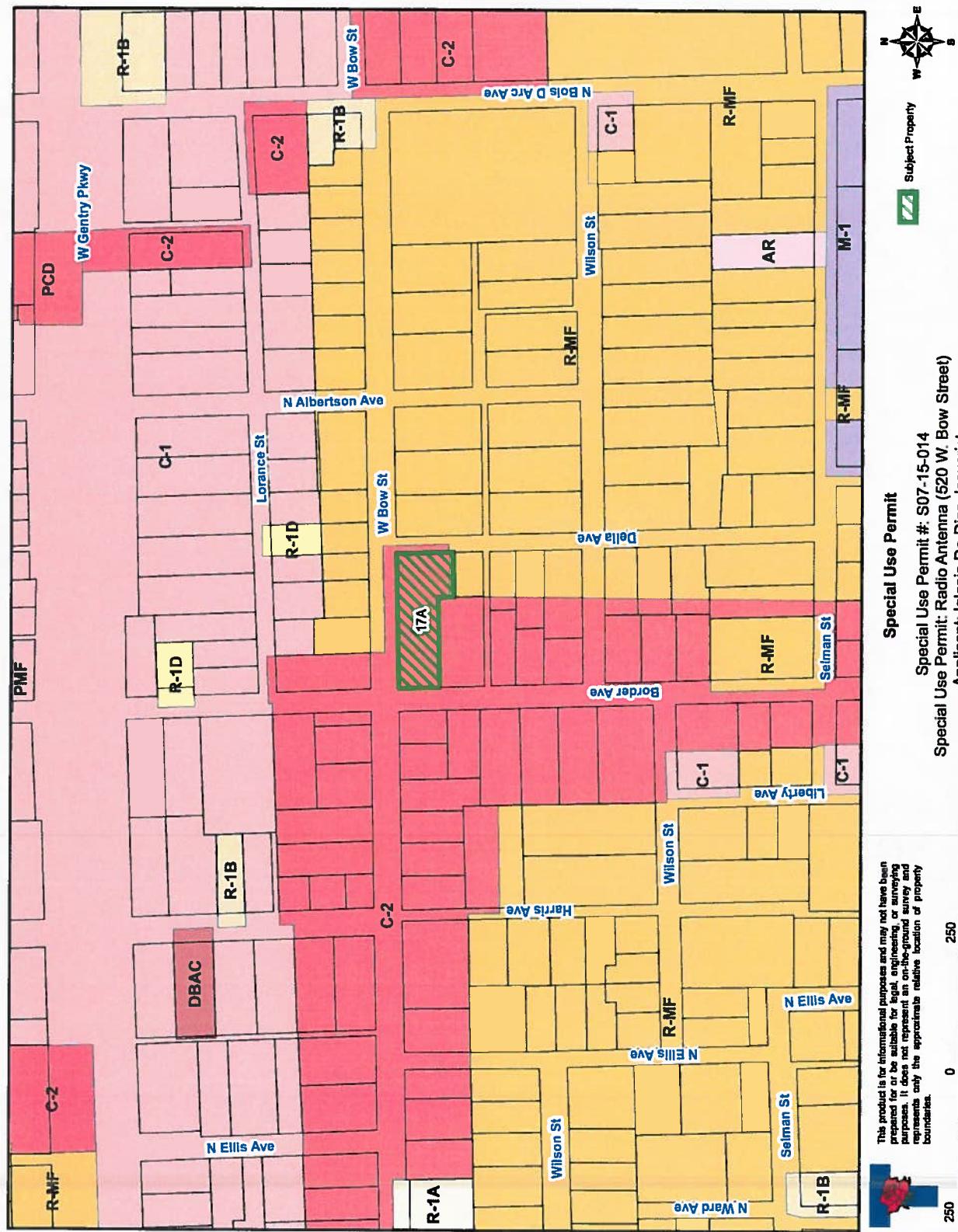
- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

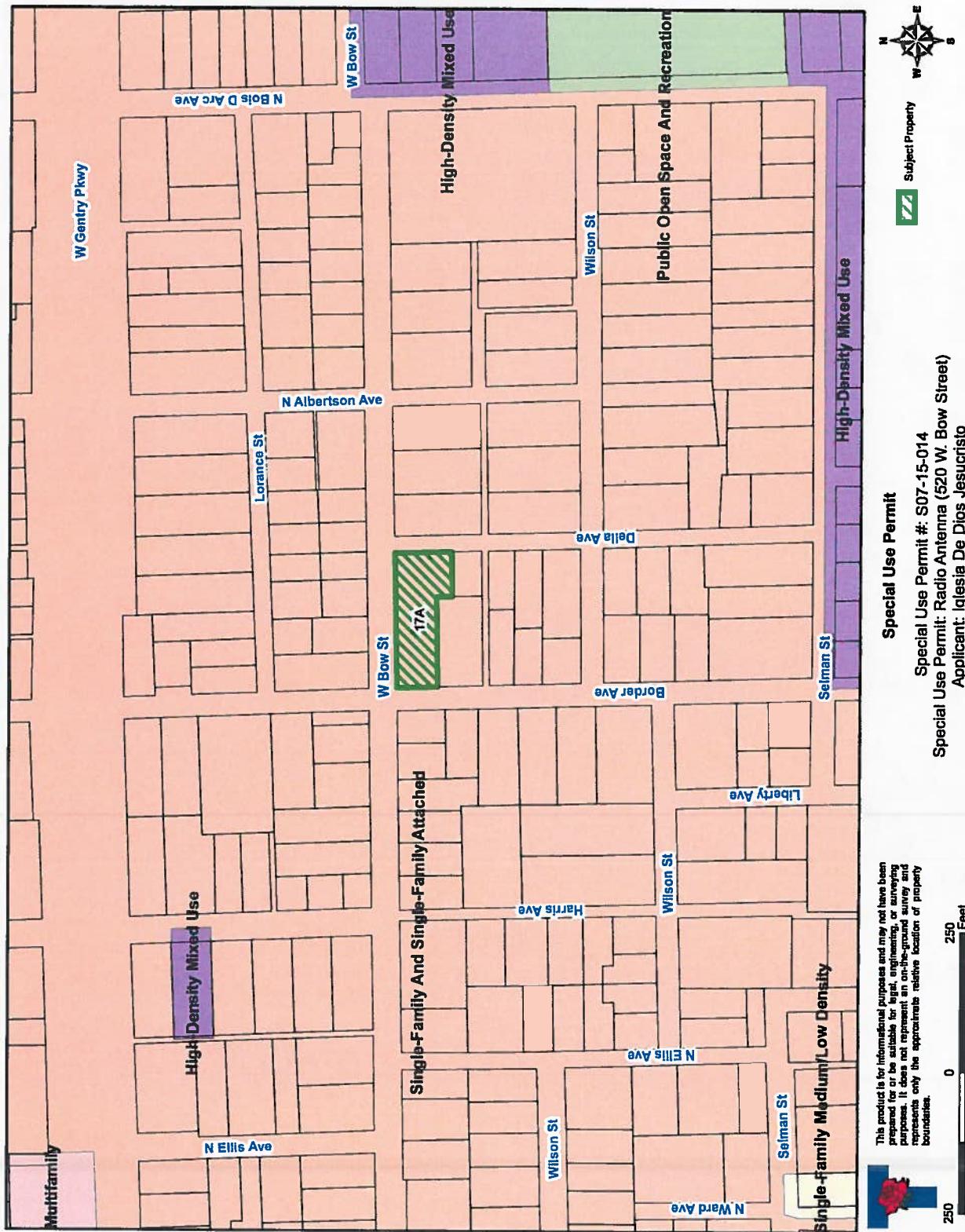
This determination expires on 12/04/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

ORDINANCE NO. O-2015-70
EXHIBIT "B"
LOCATION MAP



ORDINANCE NO. O-2015-70
EXHIBIT "C"
TYLER 1ST FUTURE LAND USE GUIDE



ORDINANCE NO. O-2015-70
EXHIBIT "D"
NOTIFICATION MAP

