

ORDINANCE NO. O-2015-80

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 140 FEET TALL TELECOMMUNICATIONS TOWER FOR AN INDEFINITE PERIOD OF TIME ON LOT 1A OF NCB 836G, ONE LOT CONTAINING APPROXIMATELY 0.41 ACRES OF LAND LOCATED SOUTHWEST OF THE INTERSECTION OF OLD NOONDAY ROAD AND FRANKSTON HIGHWAY (2820 FRANKSTON HIGHWAY); 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 S07-15-012

That the following described property, which is currently zoned "C-1", Light Commercial District, shall hereafter be used under a special use permit to allow for a 140 feet tall telecommunications tower, to-wit:

Lot 1A of NCB 836G, one lot containing approximately 0.41 acres of land located southwest of the intersection of Old Noonday Road and Frankston Highway (2820 Frankston Highway), for an indefinite period of time and subject to the site plan attached hereto as Exhibit "A" and incorporated herein.

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 August 14th, 2015.

PASSED AND APPROVED this the 12th day of August, A.D., 2015.

Martin Heines
MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

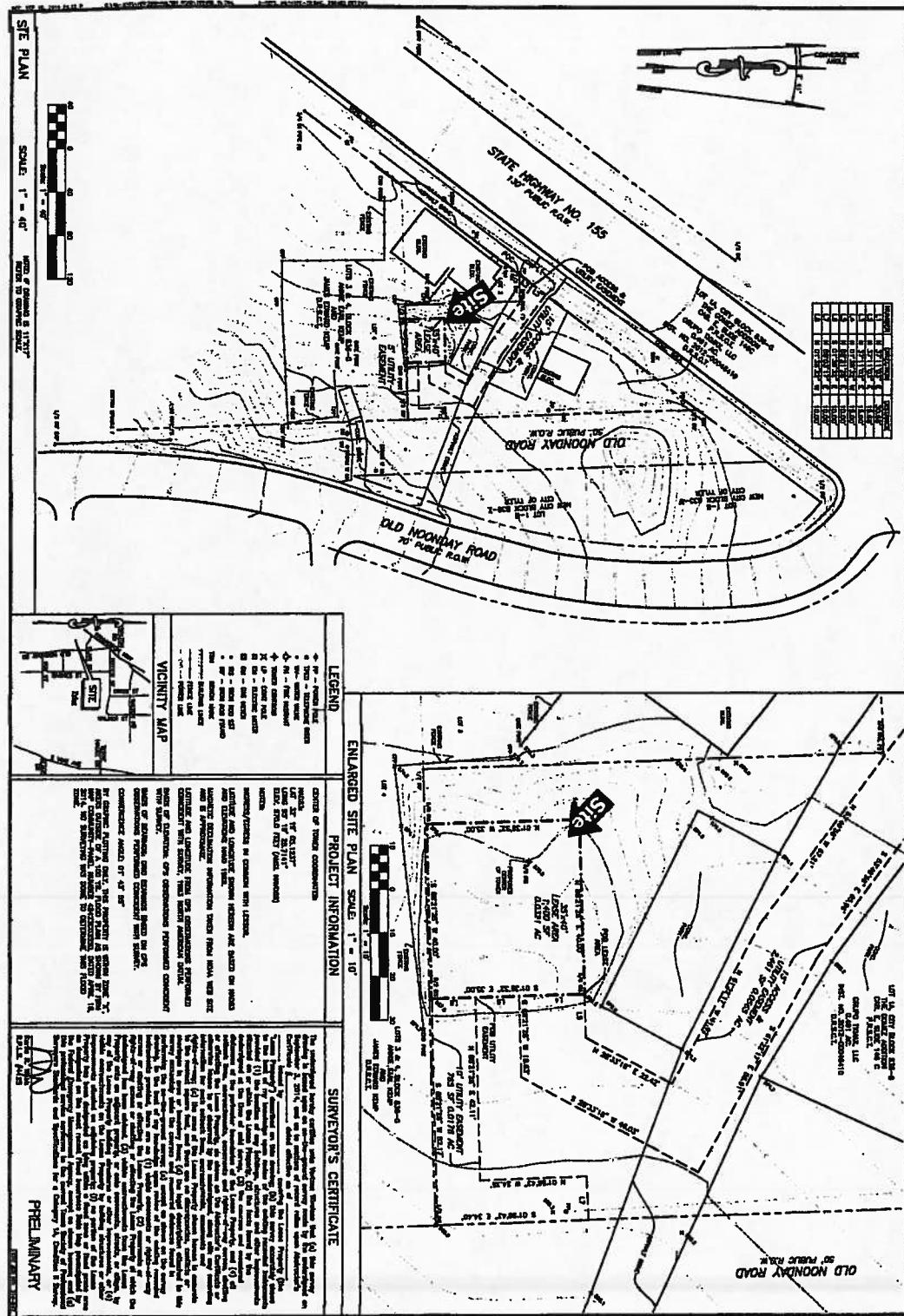


APPROVED:

Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY

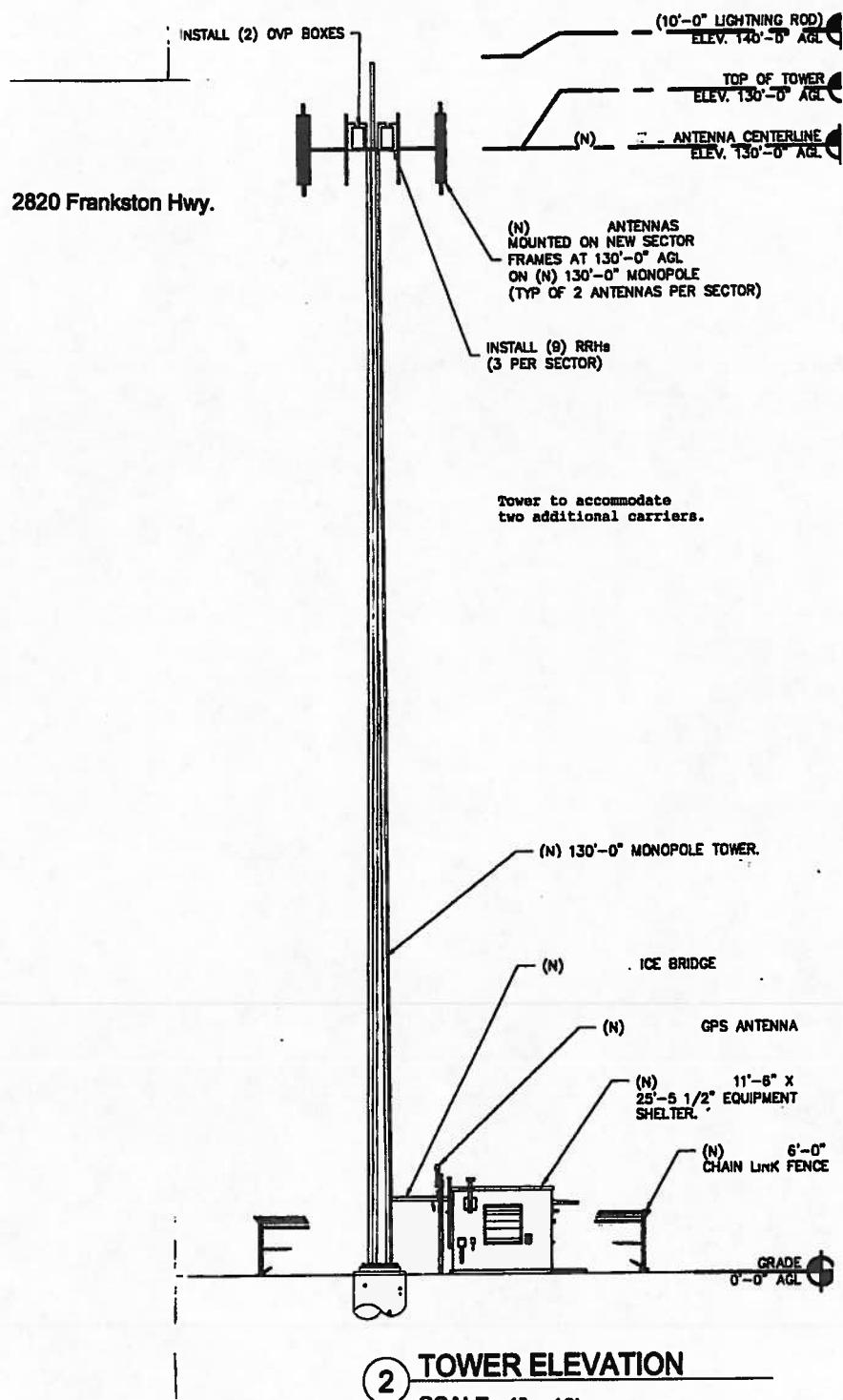
**ORDINANCE NO. O-2015-80
EXHIBIT "A"
SITE PLAN MATERIALS**

1 of 3



1-A5 NO. DATE DESCRIPTION: 1 08/08/2009 SITE OF SURVEY 2 08/08/2009 288480 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 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3 of 3



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

Aeronautical Study No.
2014-ASW-9074-OE

Issued Date: 01/09/2015

Jim O'Dowd
Verizon Wireless
180 Washington Valley Rd
Bedminster, NJ 07921

**** 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: Monopole Walton Road
Location: Tyler, TX
Latitude: 32-19-05.12N NAD 83
Longitude: 95-19-28.71W
Heights: 570 feet site elevation (SE)
160 feet above ground level (AGL)
730 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:

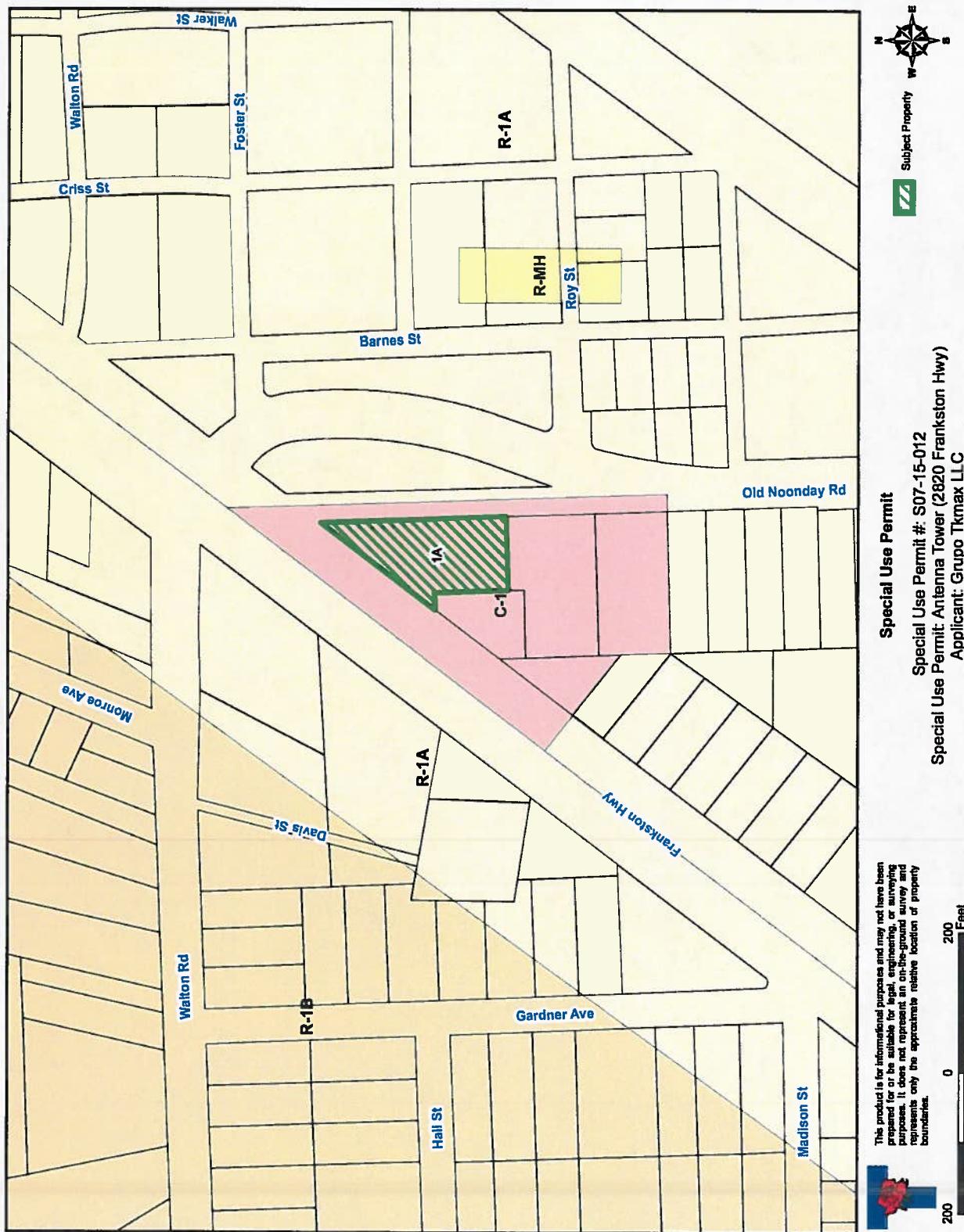
At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

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 07/09/2016 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 O-2015-80
EXHIBIT "B"
LOCATION MAP



ORDINANCE O-2015-80
EXHIBIT "C"
TYLER 1ST FUTURE LAND USE GUIDE



**ORDINANCE O-2015-80
EXHIBIT "D"
NOTIFICATION MAP**

