

**ORDINANCE NO. O-2014-5**

**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 THE DEVELOPMENT OF A 150 FEET TALL TELECOMMUNICATIONS TOWER FOR AN INDEFINITE PERIOD OF TIME ON LOT 35E OF NCB 1092, ONE LOT TOTALING APPROXIMATELY 0.44 ACRES LOCATED NORTH OF THE NORTHEAST INTERSECTION OF SHILOH ROAD AND HIGTECH DRIVE (4914 HIGTECH DRIVE); 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 S12-13-004**

That the following described property, which is currently zoned "PCD", Planned Commercial Development District, shall hereafter be used under a special use permit to allow for the development of a 150 feet tall telecommunications tower, to-wit:

Lot 35E of NCB 1092, one lot totaling approximately 0.44 acres located north of the northeast intersection of Shiloh Road and Hightech Drive (4914 Hightech Drive), for an indefinite period of time.

**PART 2:** The Special Use Permit is subject to the site plan shown in Exhibit "A".

**PART 3:** 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 4:** 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 January 24, 2014.

**PASSED AND APPROVED** this the 22<sup>nd</sup> day of January, A.D., 2014.



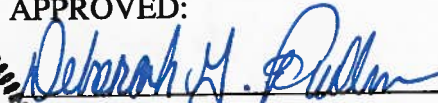
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

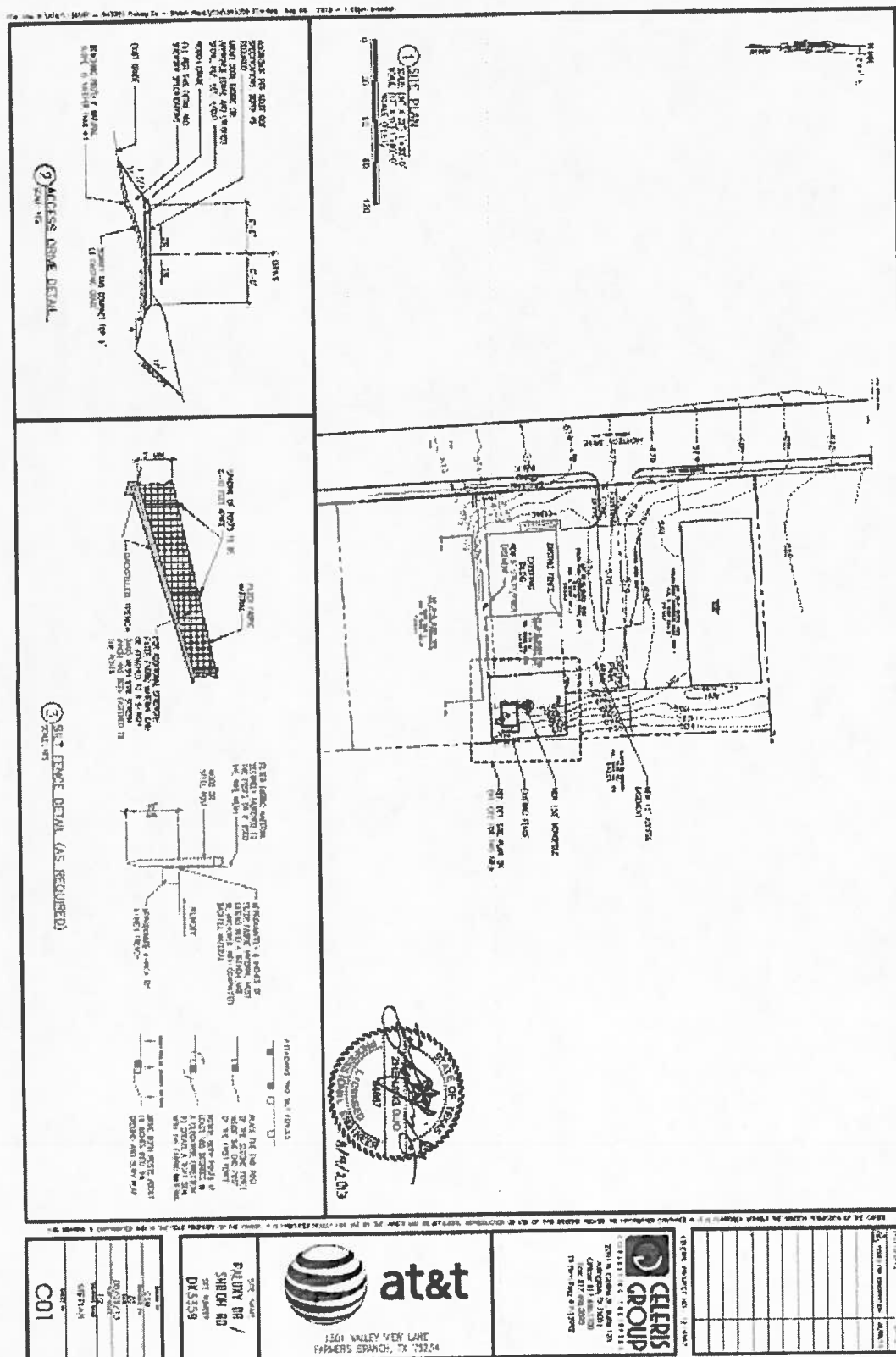


DEBORAH G. PULLUM,  
CITY ATTORNEY

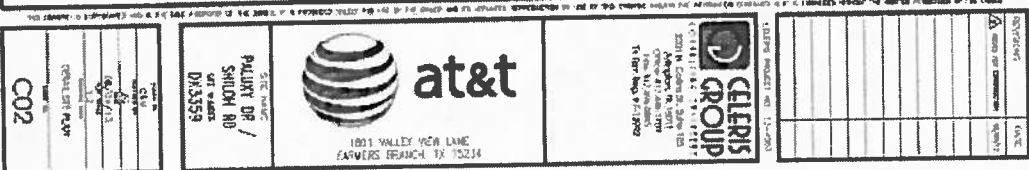
**1 of 5**

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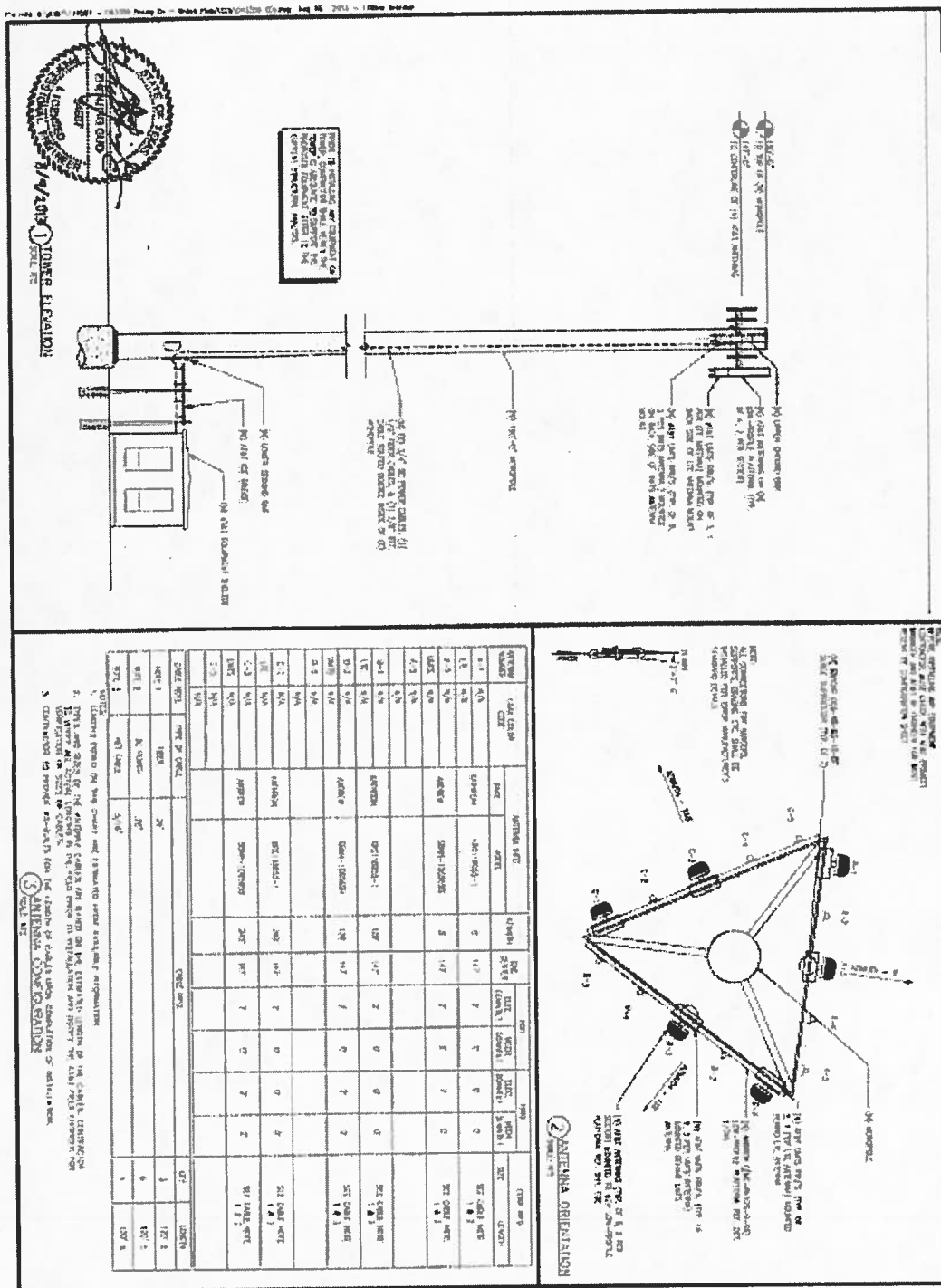


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## Exhibit A

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DATE: 01/15/14  
BY: [Signature]  
CHECKED: [Signature]  
APPROVED: [Signature]  
C03.0

**at&t**  
1801 VALLEY VIEW LANE  
FARMERS BRANCH, TX 75743

**PAUL D. PAULSON**  
SHELTON, MO  
63359

**CELEPIS GROUP**  
222 N. CLARK ST. SUITE 100  
CHICAGO, IL 60610  
TEL: 312.467.1000  
WWW.CELEPISGROUP.COM

ITEM NO.	DESCRIPTION	QTY	UNIT	PRICE
1	ANTENNA SYSTEM	1	EA	10000.00
2	TOWER	1	EA	5000.00
3	FOUNDATION	1	EA	2000.00
4	WIRING	1	EA	1000.00
5	LABOR	1	EA	500.00
6	PERMITS	1	EA	100.00
7	TOTAL			18600.00

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**Exhibit A**

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**There are no existing structures within this half mile radius that are within 20 feet of our requested height as required by the Tyler UDC.**