

ORDINANCE NO. O-2016-102

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 CELLULAR ANTENNA TO BE MOUNTED TO THE EXTERIOR OF THE BUILDING FOR AN INDEFINITE PERIOD OF TIME ON LOT 4A OF NCB 1545C, ONE LOT CONTAINING APPROXIMATELY 12.22 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF EARL CAMPBELL PARKWAY AND SOUTH SOUTHWEST LOOP 323 (2025 SOUTH SOUTHWEST LOOP 323); 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 S16-002

That the following described property, which is currently zoned "C-2", General Commercial District, shall hereafter be used under a Special Use Permit for a cellular antenna to be mounted to the exterior of the building for an indefinite period of time, to wit:

Lot 4A of NCB 1545C, one lot containing approximately 12.22 acres of land located at the southwest intersection of Earl Campbell Parkway and South Southwest Loop 323 (2025 South Southwest Loop 323).

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 December 16, 2016.

PASSED AND APPROVED this the 14th day of December, A.D., 2016.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

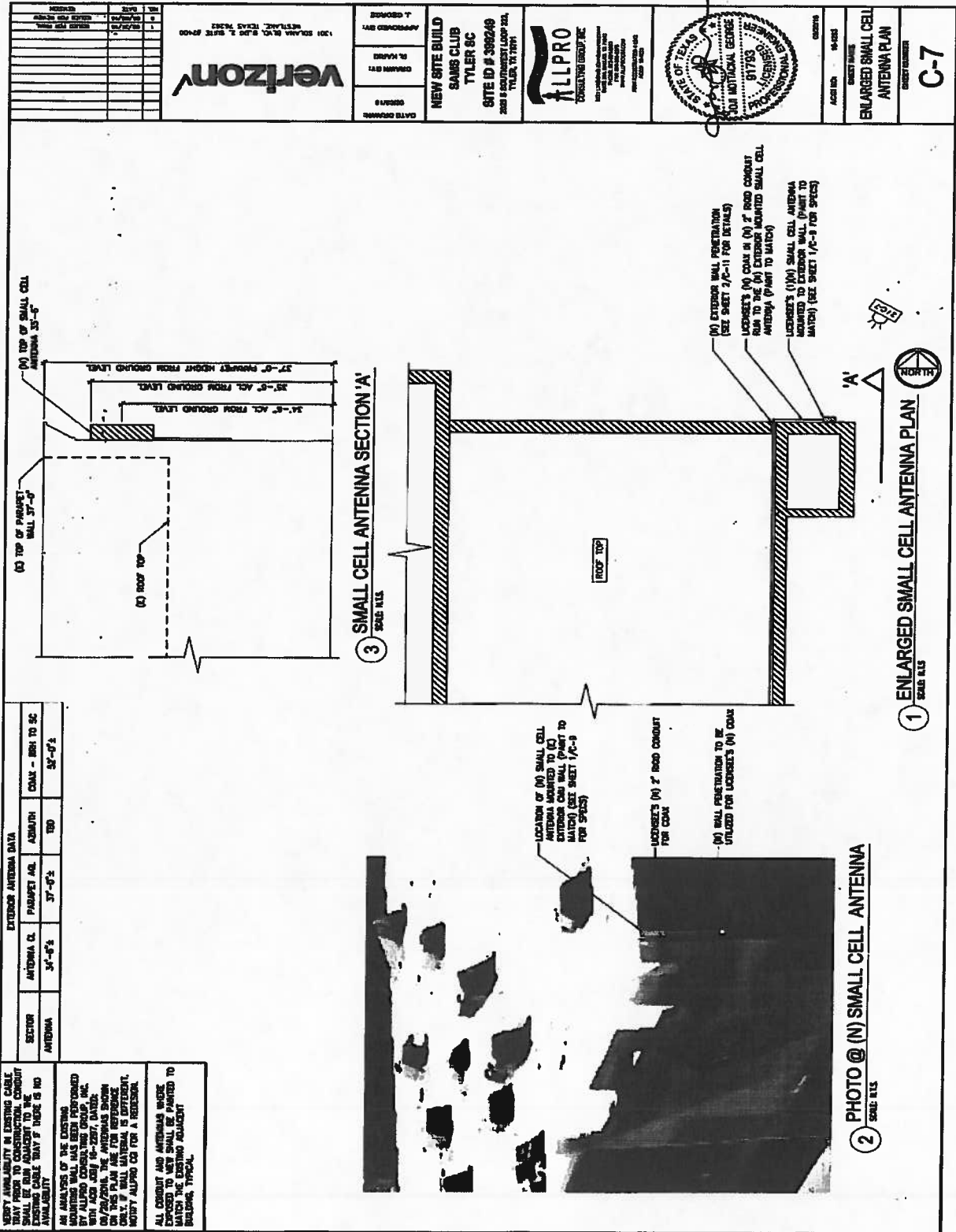
APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

**ORDINANCE NO. O-2016-102
EXHIBIT "A"
SITE PLAN**

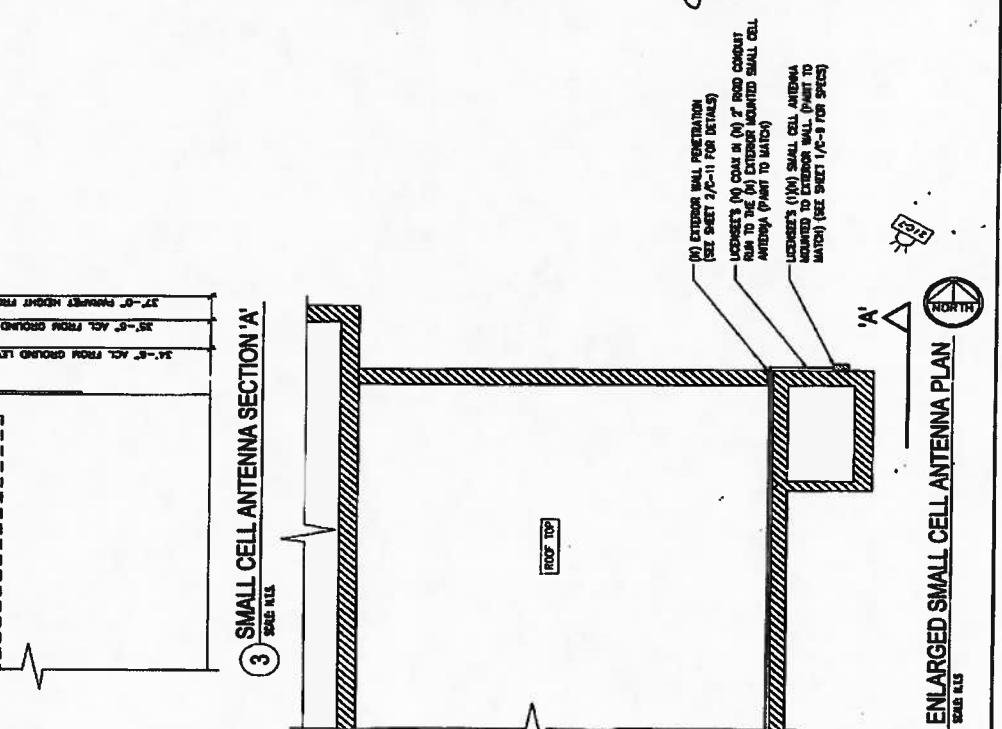


EXTERIOR ANTENNA DATA				
SECTOR	ANTENNA CL.	PARAPET ABL.	ARM/WHI.	CHAM - BRN TO SC
ANTENNA	3'-6"	37'-0"	TBD	52'-0"

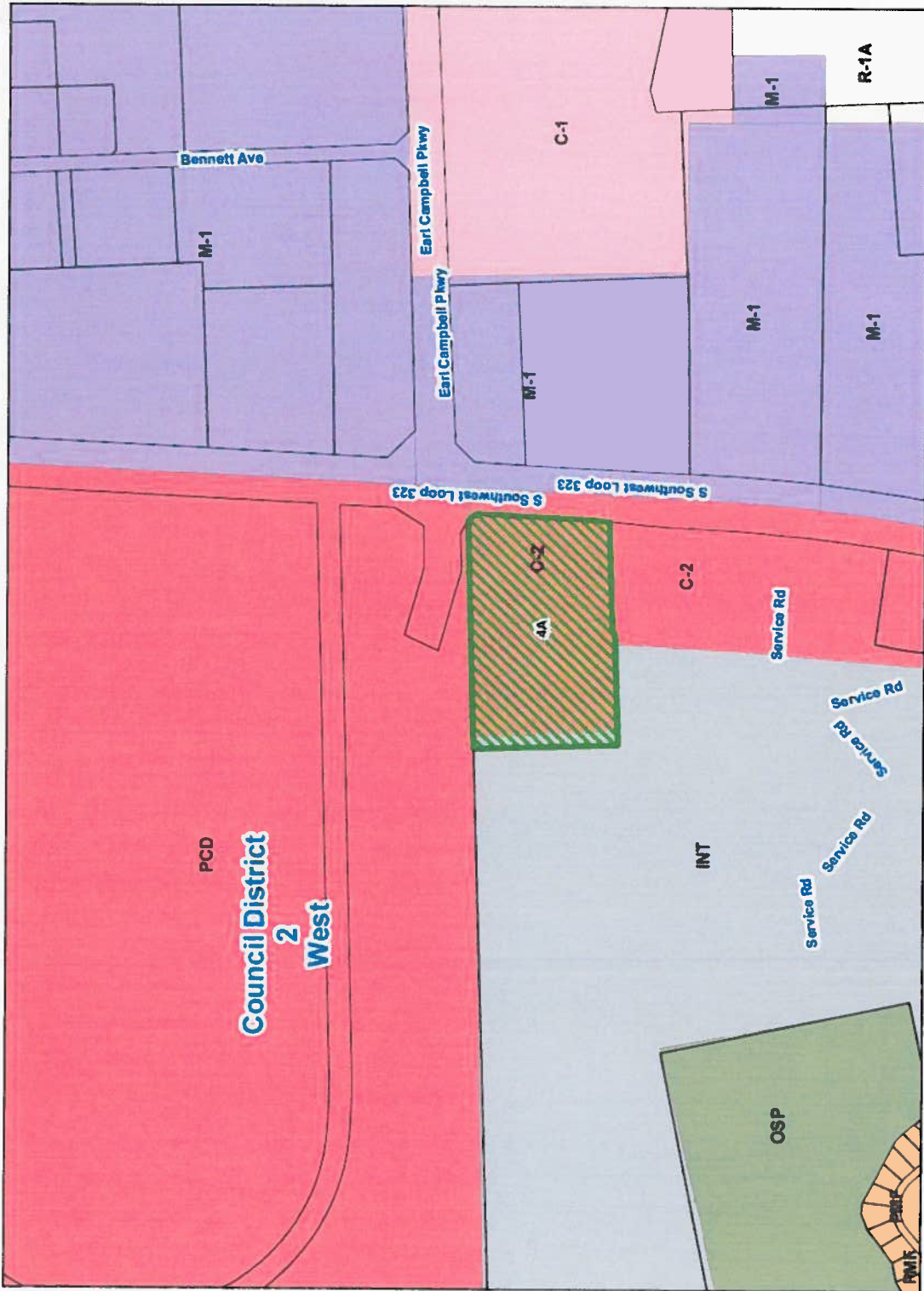
VERIFY AVAILABILITY IN EXISTING CABLE TRAY TO ANTENNA. IF NO CABLE TRAY IS AVAILABLE TO THE EXISTING CABLE TRAY, THERE IS NO AVAILABILITY.

AN ANALYSIS OF THE EXISTING MOUNTING WALL HAS BEEN PERFORMED BY ALLPRO CONSULTING GROUP, INC. WITH ACD GROUP ON JULY 14, 2017. BASED ON THIS ANALYSIS, THE EXISTING MOUNTING WALL IS NOT SUITABLE FOR THE ANTENNA. A NEW MOUNTING WALL IS BEING DESIGNED BY ALLPRO FOR A REVISION.

ALL CONDUIT AND ANTENNAS WHOSE EXPOSURE TO SUN SHALL BE PAINTED TO MATCH THE BUILDING ADJACENT BUILDING FINISH.



**ORDINANCE NO. O-2016-102
EXHIBIT "B"
LOCATION MAP**

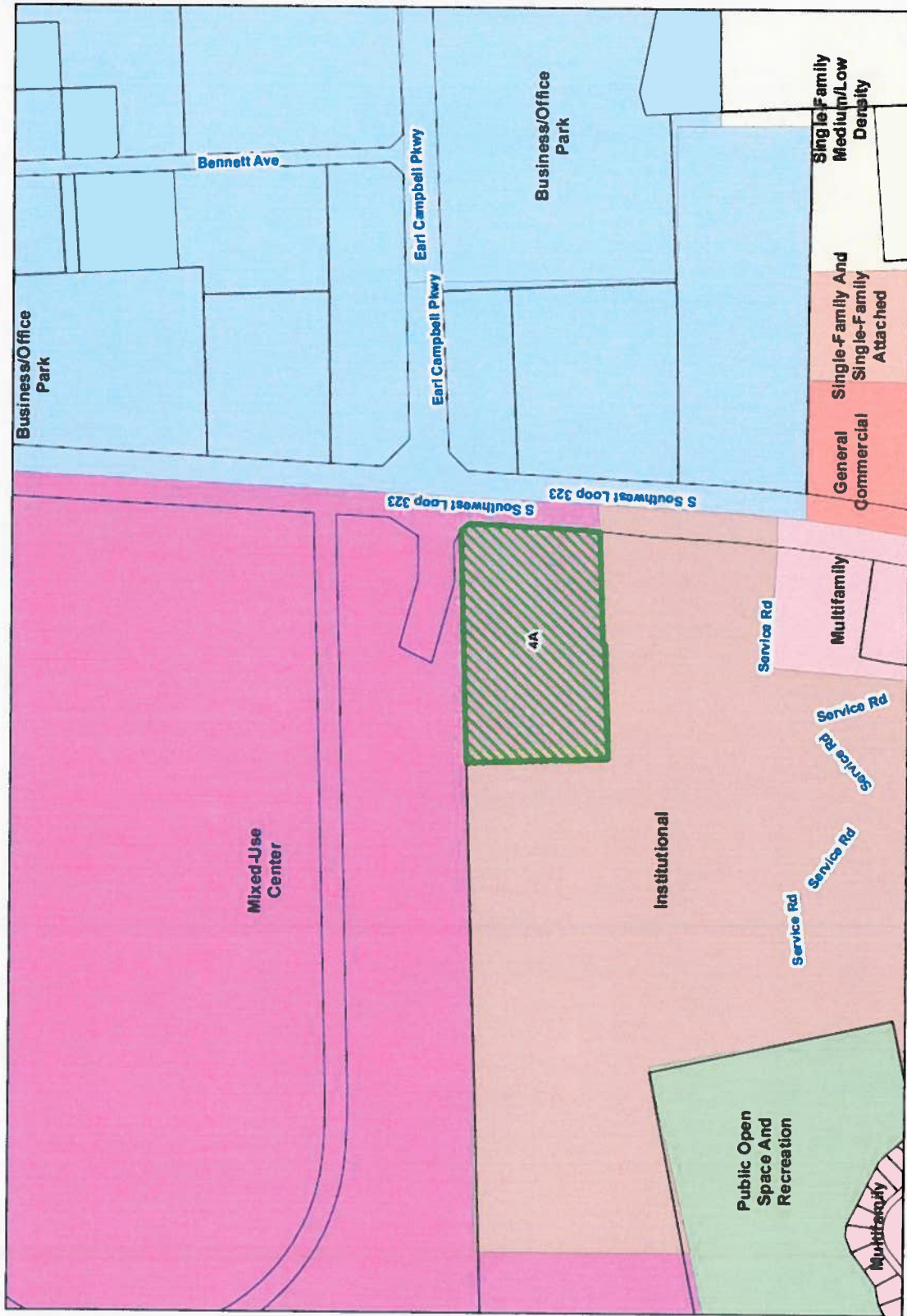


ZONING CASE
 Zoning Case # S16-002
 Special Use Permit
 Applicant: Realty Income Properties 25, LLC

This product is for informational purposes and may not have been prepared by a professional engineer, architect, or surveyor. It is not intended to be used for any legal or regulatory purposes. Only the appropriate relative location of property boundaries is shown.



**ORDINANCE NO. O-2016-102
EXHIBIT "C"
TYLER 1st FUTURE LAND USE MAP**

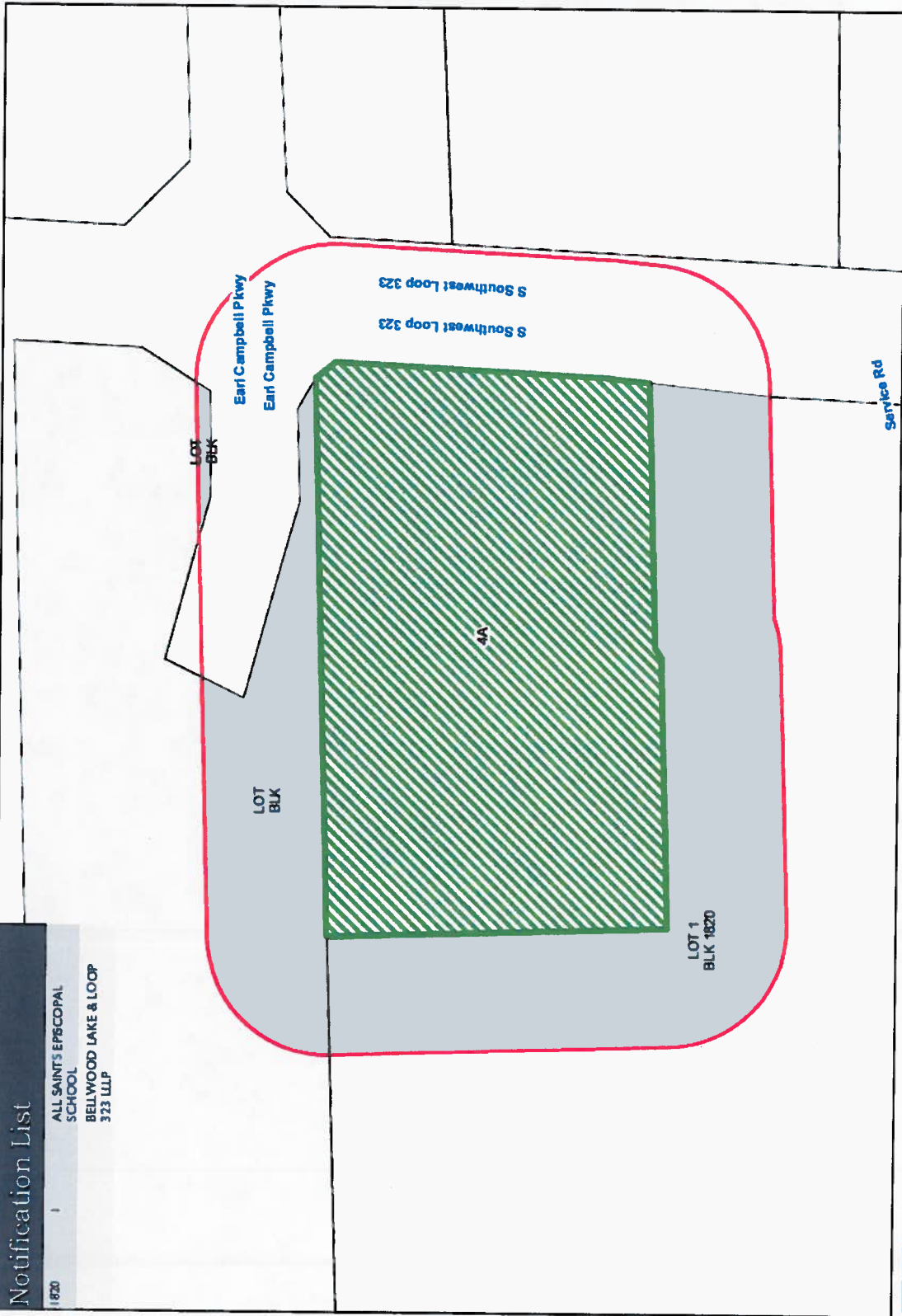


ZONING CASE
Zoning Case #: S16-002
Special Use Permit
Applicant: Realty Income Properties 25, LLC

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**ORDINANCE NO. O-2016-102
EXHIBIT "D"
NOTIFICATION MAP**



Notification List

1820 | ALL SAINTS EPISCOPAL SCHOOL
BELLWOOD LAKE & LOOP
323 LLJ.P



ZONING CASE
Zoning Case #: S16-002
Special Use Permit
Applicant: Realty Income Properties 25, LLC

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