

ORDINANCE NO. O-2019-37

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 110 FEET TALL MONOPOLE TELECOMMUNICATIONS TOWER FOR AN INDEFINITE PERIOD OF TIME ON A PORTION OF LOT 2 OF NCB 277P, ONE LOT CONTAINING 0.90 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF EAST NINTH STREET AND DONNYBROOK AVENUE (311 EAST NINTH 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 S19-002

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 telecommunications facility, to-wit:

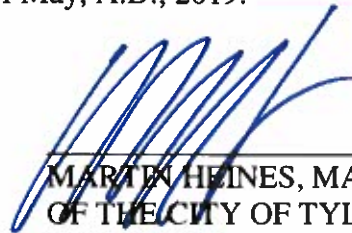
A portion of Lot 2 of NCB 277P, one lot containing 0.90 acres of land located at the southwest intersection of East Ninth Street and Donnybrook Avenue (311 East Ninth Street), in accordance with Exhibit "A" attached hereto and incorporated herein.

PART 2: The Special Use Permit is restricted to a 110 feet tall monopole telecommunications facility for an indefinite period of time.

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 May 24th, 2019.

PASSED AND APPROVED this the 22nd day of May, A.D., 2019.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

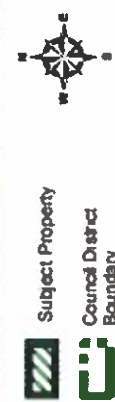
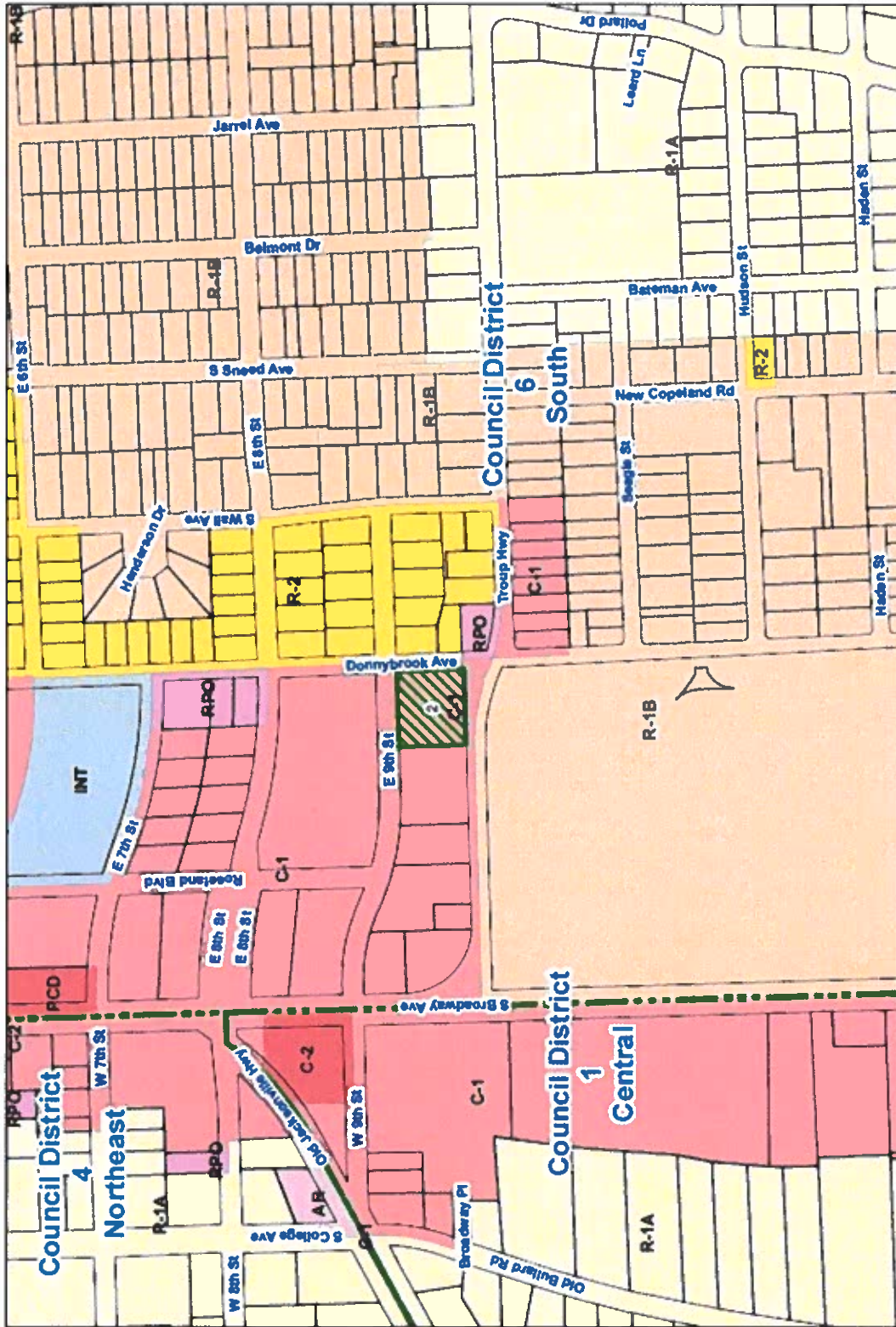
APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

**ORDINANCE NO. O-2019-37
EXHIBIT "B"
LOCATION MAP**



ZONING CASE
Zoning Case # S19-002
SPECIAL USE PERMIT
Applicant: SBA PROPERTIES INC

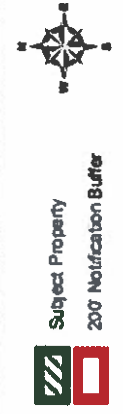
This product is for informational purposes and any not have been prepared for or is suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 150 300 Feet

**ORDINANCE NO. O-2019-37
EXHIBIT "C"
PROTEST MAP**



Notification List	
2770	BERGFELD CENTER LP
787A	KERRY MARELYN C
787A	ROGERS KENZIE L
787C	MONTALVO JUAN R
787C	HALBERT ROBERT STEPHEN
277P	TYLER CITY OF
787C	DOWD LOYD D
801A	TYLER CITY OF
801	EHS REAL ESTATE LLC
801	EHS REAL ESTATE LLC
277P	TYLER CITY OF
787C	LURLEY BILL M & CARROLL M
787C	GEORGE SAMUEL M



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Subject Property
200' Notification Buffer