

**ORDINANCE NO. O-2023-6**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CHANGING THE ZONING FROM "AG", AGRICULTURAL DISTRICT, "C-1", LIGHT COMMERCIAL DISTRICT AND "PCD", PLANNED COMMERCIAL DISTRICT, AND "PMF", PLANNED MULTI-FAMILY DISTRICT TO "PMF", PLANNED MULTI-FAMILY DISTRICT WITH A FINAL SITE PLAN ON TRACT 5 OF ABST A0794 T PRICE AND 2.87 ACRE PORTION ON TRACT 5F OF ABST A0794 T PRICE AND 3.91 ACRE PORTION ON TRACT 1-3,6,7 OF ABST A0562 M LONG, SIX TRACTS CONTAINING APPROXIMATELY 23.22 ACRES OF LAND LOCATED EAST OF THE SOUTHEAST INTERSECTION OF BLUE MOUNTAIN BOULEVARD AND WEST CUMBERLAND ROAD (1701 BALSAM GAP, 2.87 ACRE PORTION OF 1666 WEST CUMBERLAND ROAD AND 3.91 ACRES OF 804 WEST CUMBERLAND ROAD); DIRECTING THE AMENDMENT OF THE ZONING MAP; 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 zoning change 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 zone change is hereby approved as follows:

**I. APPLICATION PD22-024**

That the following described property, which has heretofore been zoned "AG", Agricultural District, "C-1", Light Commercial District and "PCD", Planned Commercial District and "PMF", Planned Multi-Family District to "PMF", Planned Multi-Family District with a final site plan, to wit:

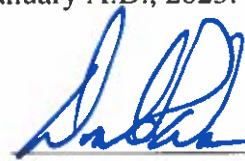
On Tract 5 of ABST A0794 T PRICE and 2.87 acre portion on Tract 5F of ABST A0794 T PRICE and 3.91 acre portion on Tract 1-3,6,7 of ABST A0562 M LONG, six tracts containing approximately 23.22 acres of land located east of the southeast intersection of Blue Mountain Boulevard and West Cumberland Road (1701 Balsam Gap, 2.87 acre portion of 1666 West Cumberland Road and 3.91 acres of 804 West Cumberland Road) and in accordance with the Final Site Plan in Exhibit "A" attached hereto and incorporated herein.

**PART 2:** That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning.

**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.

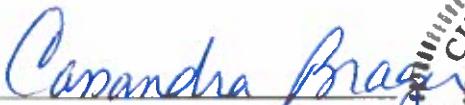
**PART 4:** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to 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 13<sup>th</sup>, 2023.

**PASSED AND APPROVED** this the 11<sup>th</sup> day of January A.D., 2023.



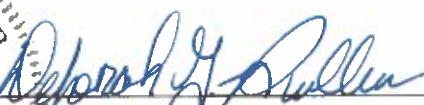
DONALD P. WARREN, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

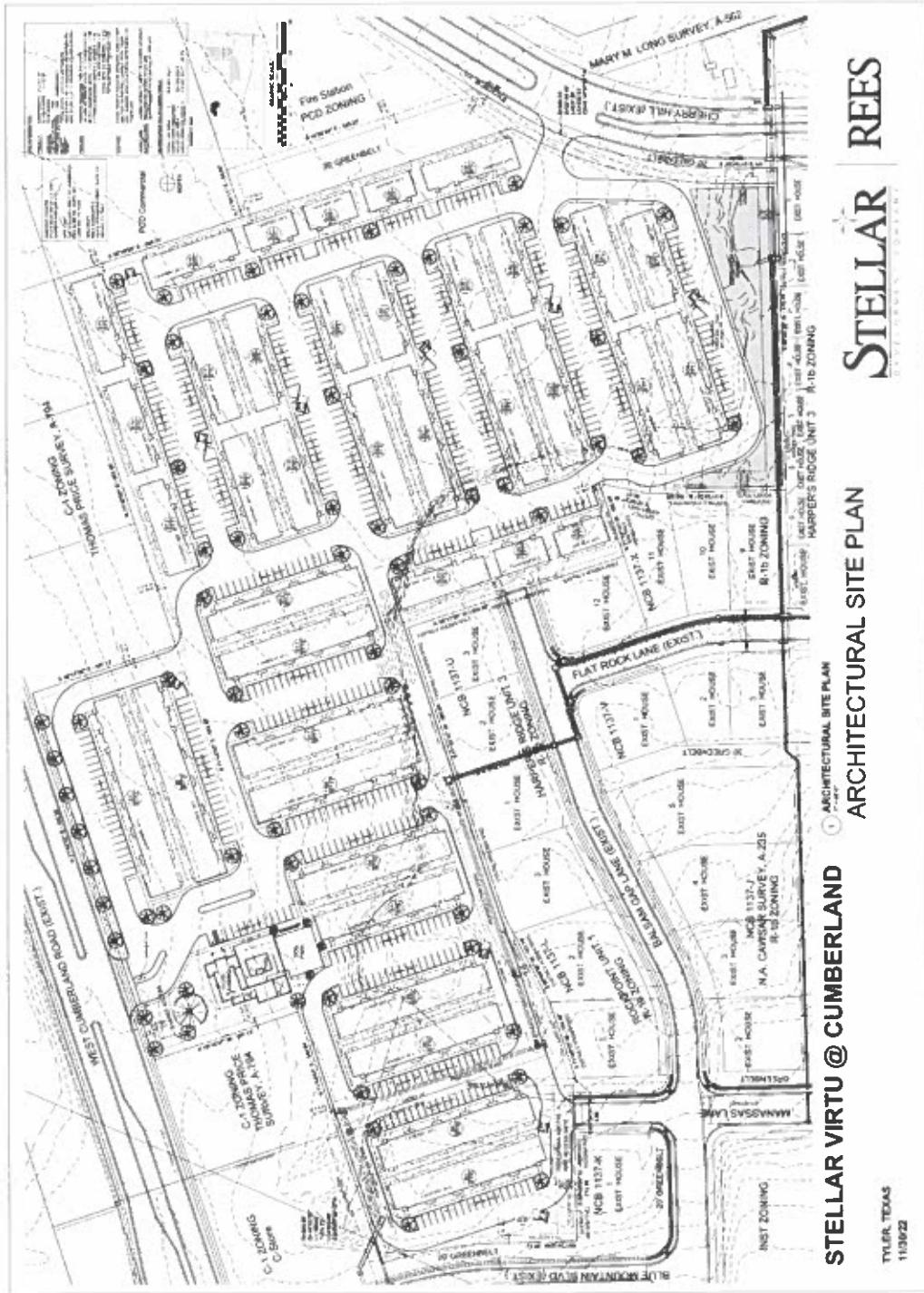
  
CASSANDRA BRAGER, CITY CLERK

APPROVED:



  
DEBORAH G. PULLUM,  
CITY ATTORNEY

ORDINANCE NO. O-2023-6  
EXHIBIT "A"  
FINAL SITE PLAN



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