

ORDINANCE NO. O-2016-47

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 "R-1A", SINGLE-FAMILY RESIDENTIAL DISTRICT TO "C-1", LIGHT COMMERCIAL DISTRICT ON A 2.00 ACRE PORTION OF LOT 11 OF NCB 1450, ONE LOT CONTAINING APPROXIMATELY 5.02 ACRES OF LAND LOCATED EAST OF THE INTERSECTION OF MUELLER GARDEN ROAD AND SOUTH BROADWAY AVENUE (7214 SOUTH BROADWAY AVENUE); DIRECTING THE AMENDMENT OF THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; 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 Z05-16-034

That the following described property, which has heretofore been zoned "R-1A", Single-Family Residential District shall hereafter bear the zoning classification of "C-1", Light Commercial District, to wit:

A 2.00 acre portion of Lot 11 of NCB 1450, one lot containing approximately 5.02 acres of land located east of the intersection of Mueller Garden Road and South Broadway Avenue (7214 South Broadway Avenue) and in accordance with the metes and bounds description attached hereto as Exhibit "A" and incorporated herein, and subject to the following conditions:

1. That buffer yard be fenced in accordance with the attached site plan submitted to City Council and attached hereto as Exhibit "E";

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 this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 25th day of May A.D., 2016.

ATTEST:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK



Martin Heines

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

APPROVED:

Deborah G. Pullum

DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2016-47
EXHIBIT "A"
METES AND BOUNDS DESCRIPTION

Metes and Bounds Description
2.000 Acre Tract

All that certain tract or parcel of land situated in the Benjamin Fry Survey, Abstract 356, Smith County, Texas, being a part of New City Block 1450 in the City of Tyler, being out of and a part of that certain called 10.833 acre tract described in a Deed of Trust from Colonial Baptist Church to Bill W. Taylor, Trustee for Jacksonville Savings and Loan Association, dated September 24, 1985, and recorded in Volume 2460, Page 740 of the Land Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the northwest corner of said called 10.833 acre tract, same being in the east right-of-way line of South Broadway Avenue;

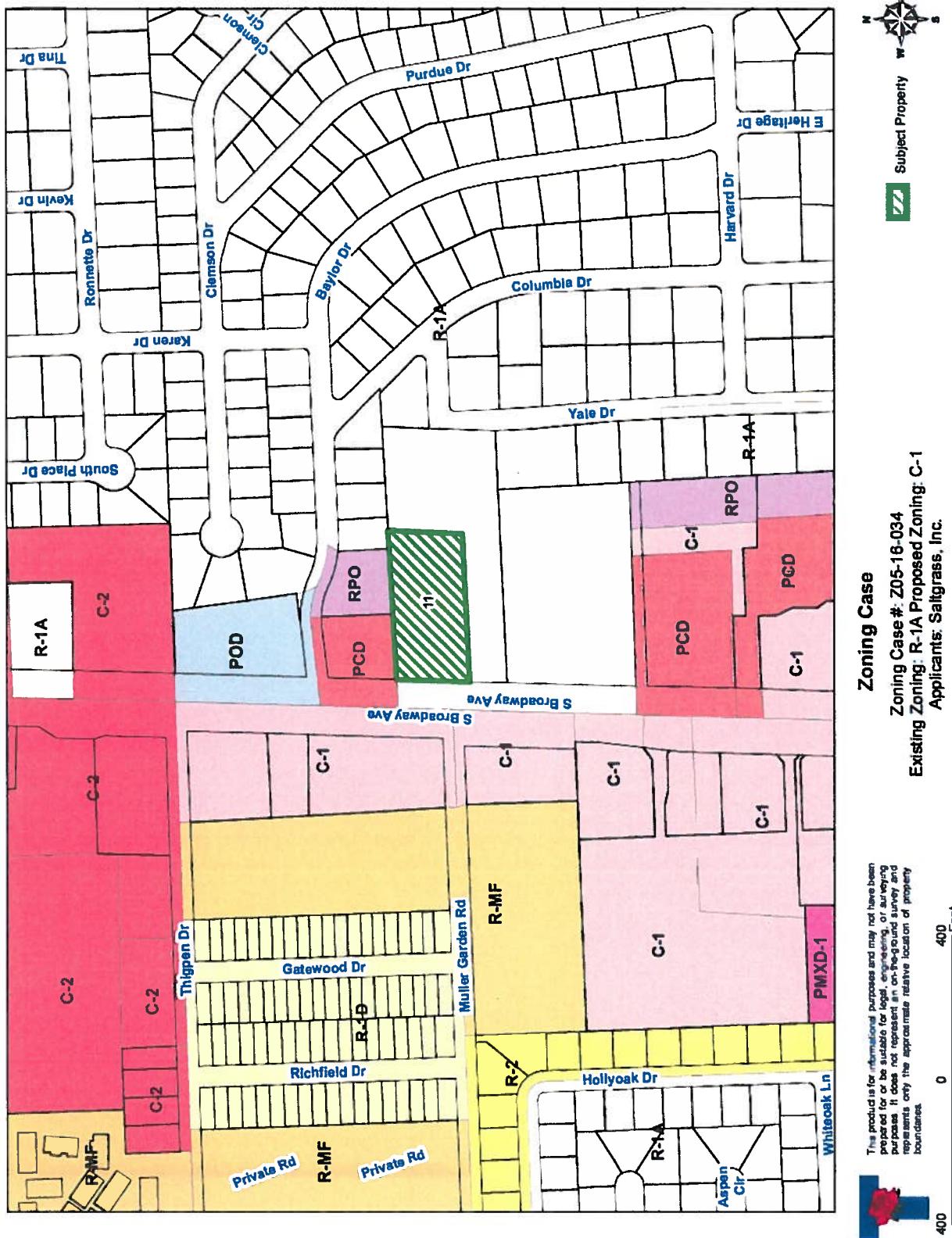
THENCE, North 87°21'03" East, with the north line of said 10.833 acre tract, a distance of 419.27 feet to a 1/2" iron rod set (all iron rods set are marked with a plastic cap: RPLS 2114 or RPLS 3683) for the northeast corner of the herein described tract;

THENCE, South 01°51'37" West, a distance of 208.34 feet to a 1/2" iron rod set for the southeast corner of the herein described tract;

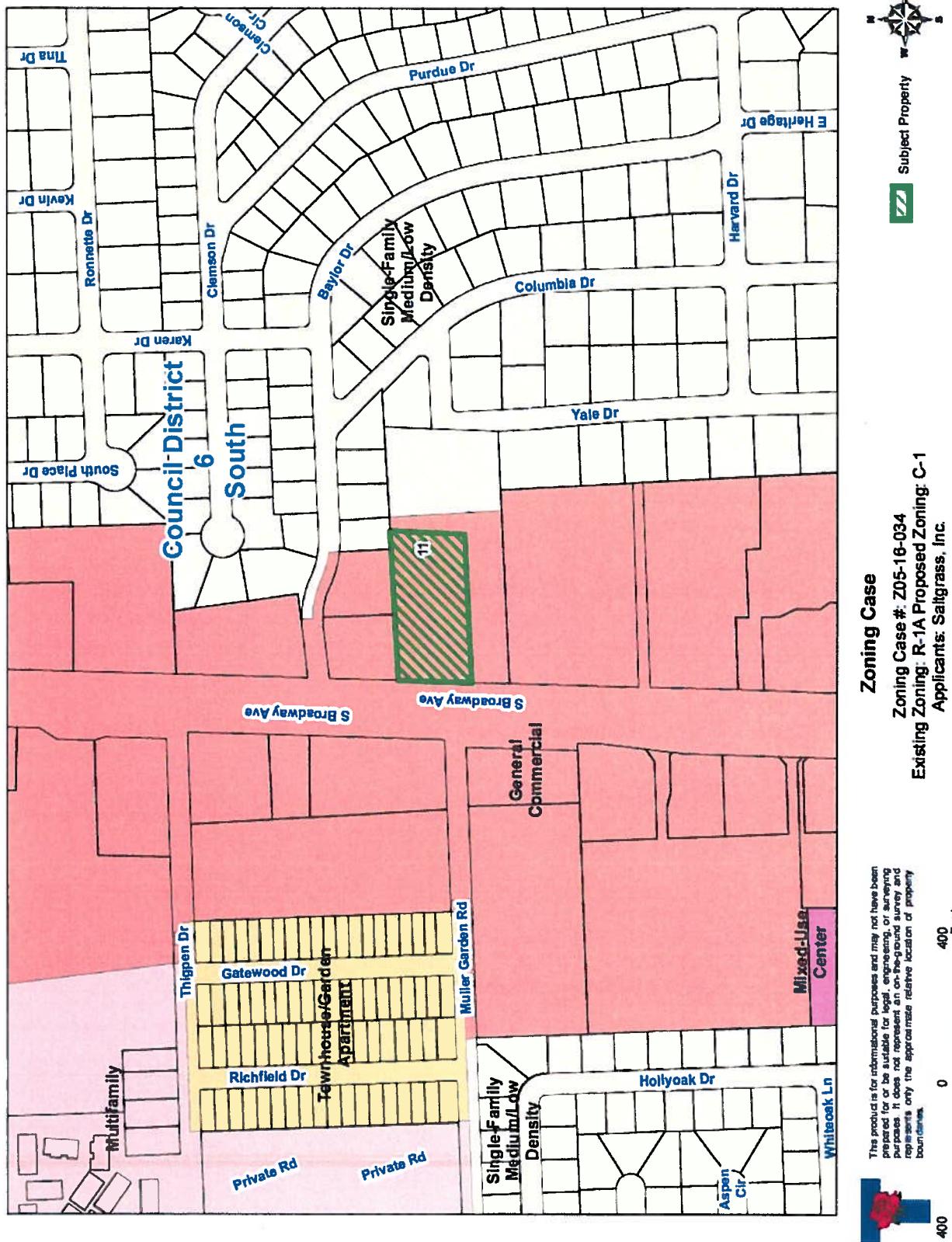
THENCE, South 87°19'34" West, a distance of 419.29 feet to a 1/2" iron rod set for the southwest corner of the herein described tract, same being in the west line of said 10.833 acre tract, same being in said east right-of-way line of South Broadway Avenue;

THENCE, North 01°51'37" East, with said west line of said 10.833 acre tract, same being said east right-of-way line of South Broadway Avenue, a distance of 208.52 feet to the POINT OF BEGINNING and containing 2.000 acres of land. (Bearings are based on the Texas Coordinate System, North Central Zone, NAD83 Map Datum).

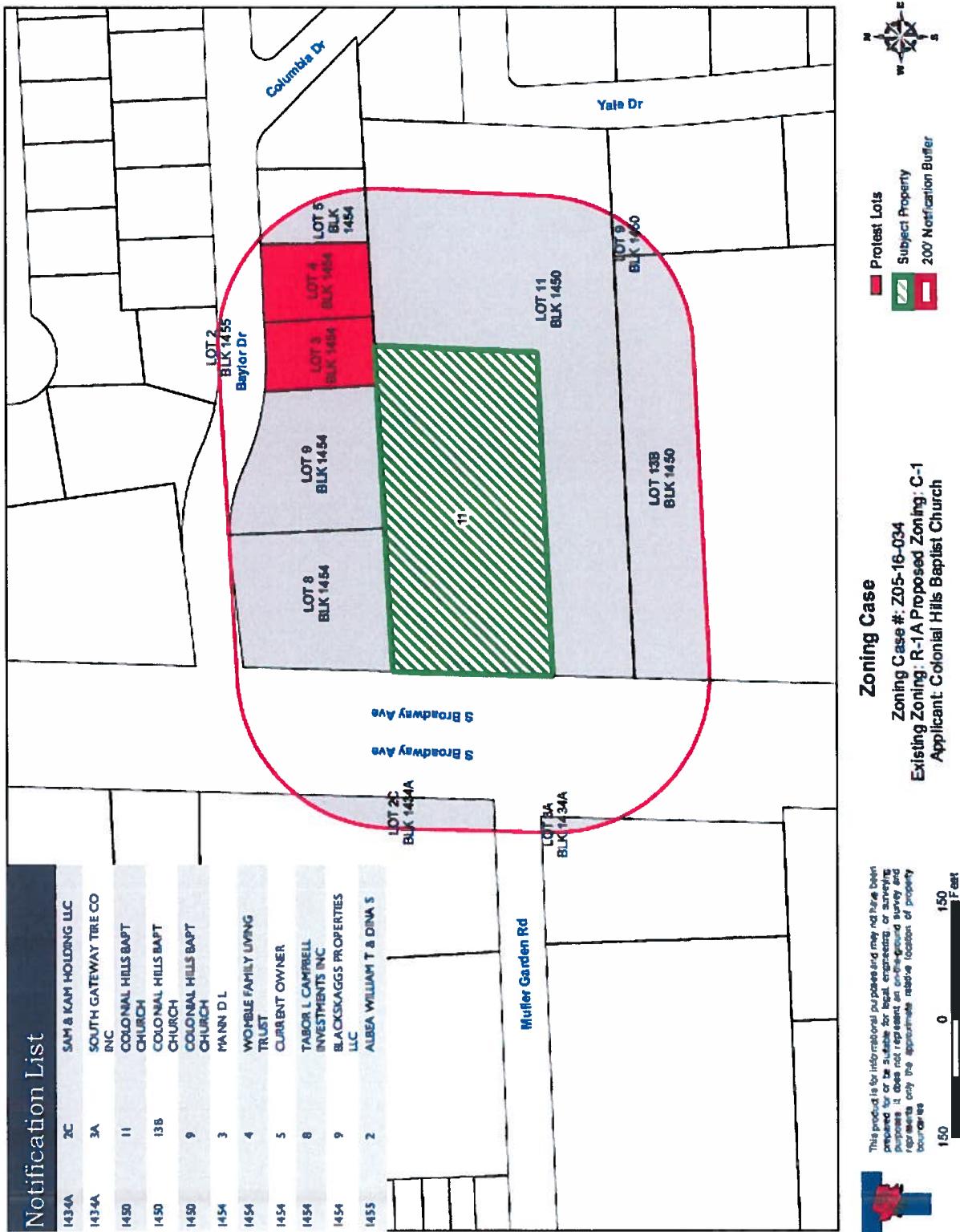
ORDINANCE NO. O-2016-47
EXHIBIT "B"
LOCATION MAP



ORDINANCE NO. O-2016-47
EXHIBIT "C"
TYLER 1ST FUTURE LAND USE GUIDE



ORDINANCE NO. O-2016-47
EXHIBIT "D"
NOTIFICATION MAP



**ORDINANCE NO. O-2016-47
EXHIBIT "E"
PROPOSED SITE PLAN**

