

ORDINANCE NO. O-2011-29

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 "PCD", PLANNED COMMERCIAL DEVELOPMENT DISTRICT TO "PMXD-1", PLANNED MIXED USE DISTRICT ON LOT 3C OF NCB 1563, ONE LOT CONTAINING APPROXIMATELY 0.74 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF EAST RIECK ROAD AND DONNYBROOK AVENUE (327 EAST RIECK ROAD); DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE GUIDE; 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 Z04-11-023

That the following described property, which has heretofore been zoned "PCD", Planned Commercial Development District, shall hereafter bear the zoning classification of "PMXD-1", Planned Mixed Use District, to wit:

Lot 3C of NCB 1563, one lot containing approximately 0.74 acres of land located at the southwest intersection of East Rieck Road and Donnybrook Avenue (327 East Rieck Road) and in accordance with the site plan attached hereto as Exhibit "A".

PART 2: That the City authorizes a joint use parking agreement to allow the residential units to utilize the six spaces dedicated for their use and share the required three visitor parking spaces with the 27 parking spaces associated for the office use allowing for the total of 33 parking spaces on the lot.

PART 3: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning and that the Future Land Use Guide be revised to reflect "Mixed Use District".

PART 4: 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 5: 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 April 29, 2011.

PASSED AND APPROVED this the 27th day of April, A.D., 2011.

Barbara Bass
BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

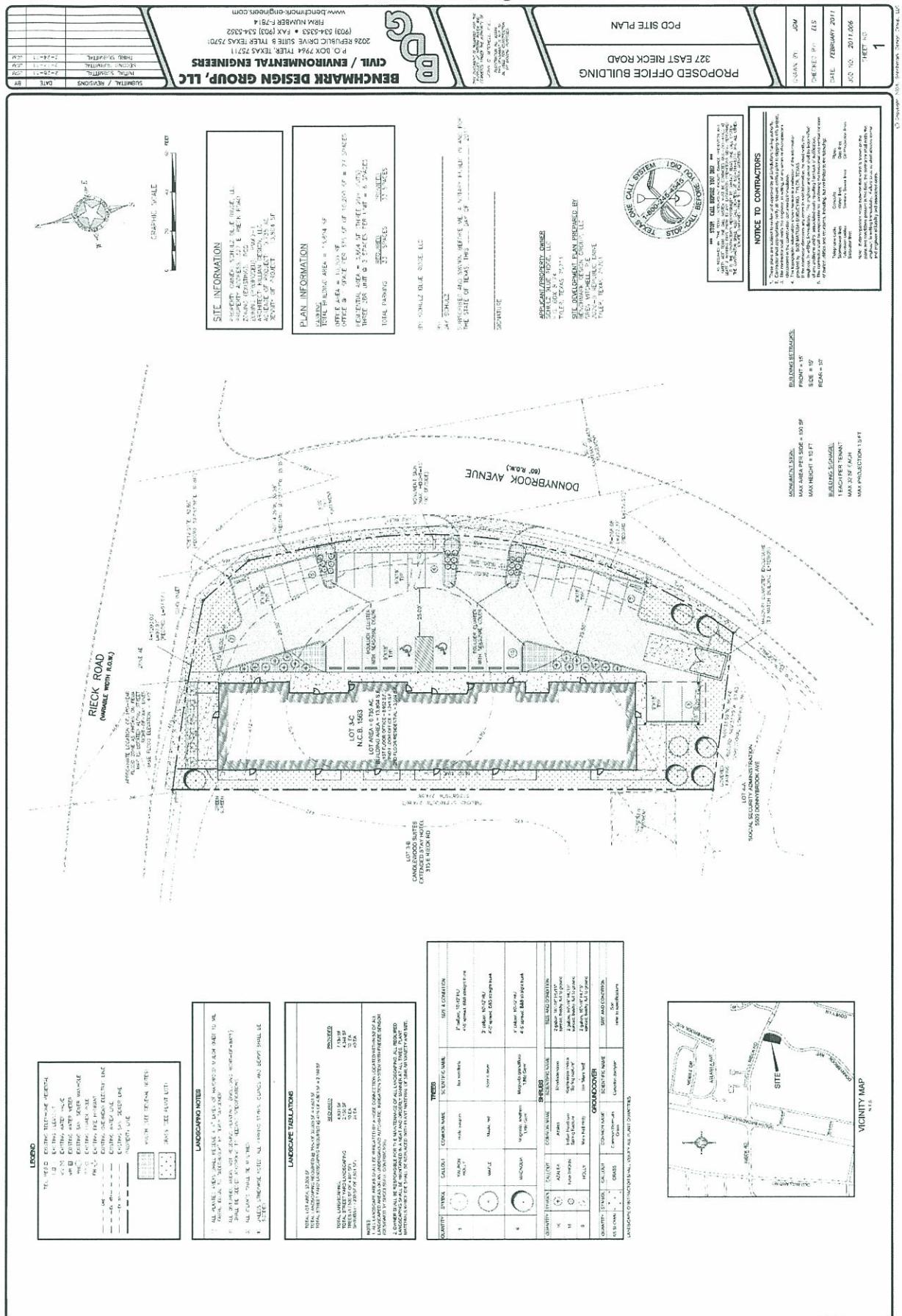
APPROVED:

Gary C. Landers
GARY C. LANDERS, CITY ATTORNEY



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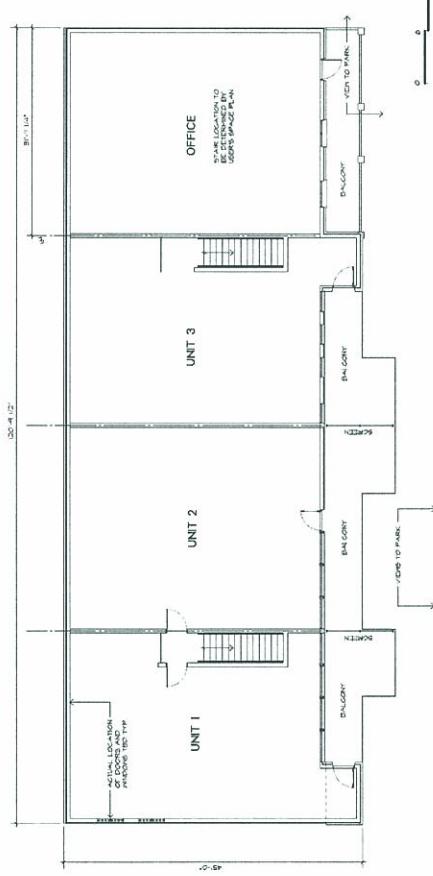
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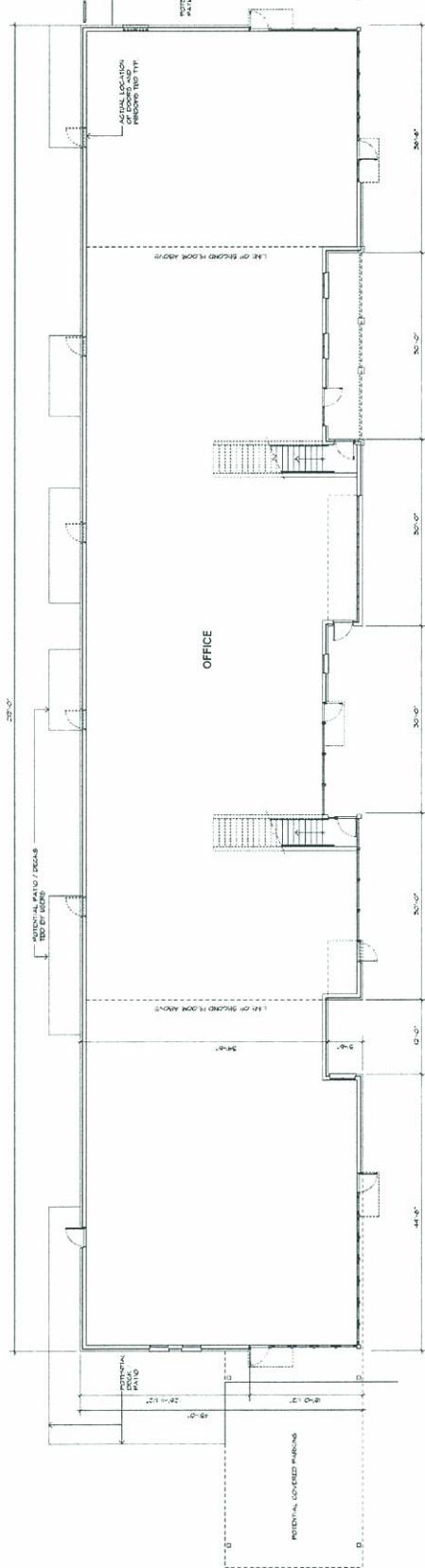
EDWARD L. BROWN, INC.
P.O. BOX 1000
HOUSTON, TEXAS 77001
3000-4000 SF
1970-1971
GENERAL CONTRACTOR
STRUCTURAL ENGINEER
ARCHITECT
KENNETH FOLLMAN, AIA
SCALA BIAU, HOLO, LLC
101 RICE, TX 77001
1971-1972
GENERAL CONTRACTOR
STRUCTURAL ENGINEER
WEP ENGINEERS

DRAWINGS AND SPECIFICATIONS AS NOTED/ACTS
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ARRANGED IN WRITING FROM THE ARCHITECT.
THESE DRAWINGS AND SPECIFICATIONS ARE FOR
THE USE OF THE CONTRACTOR AND SHALL
PRESERVE ON CONSTRUCTION APPROVAL.
HOMESTEAD MILITARY AIR - TX 96 NO. 4148

REV	DATE	ISSUE NUMBER	FCI INTER-PLAN APPROVAL
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CONCEPT - 02 SECOND FLOOR PLAN



CONCEPT - 01 **GROUND FLOOR PLAN** $\frac{8.95' \text{ SF}}{\text{SCALE: } 1/8'' = 1'-0''}$ 

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