

ORDINANCE NO. O-2009-10

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY AMENDING THE EXISTING FINAL SITE PLAN ON PROPERTY ZONED "PCD", PLANNED COMMERCIAL DEVELOPMENT ON APPROXIMATELY 2.18 ACRES OF LAND, LOCATED ON A PORTION OF LOT 3 OF NCB 1450A, LOCATED TWO LOTS NORTH OF THE NORTHEAST INTERSECTION OF EAST HERITAGE DRIVE AND SOUTH BROADWAY AVENUE; 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 Z01-09-001A

That the existing site development plan is hereby amended by approving the site development plan attached hereto as Exhibit "A" on following described property zoned "PCD", Planned Commercial Development District, to-wit:

A portion of Lot 3 of NCB 1450A, a portion of one lot totaling approximately 2.18 acres located two lots north of the northeast intersection of East Heritage Drive and South Broadway Avenue (7524 South Broadway Avenue).

and in accordance with the site development plan attached hereto as Exhibit "A".


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.

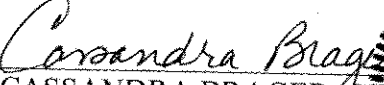
PART 4: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, 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 February 27, 2009.

PASSED AND APPROVED this the 25th day of February, A.D., 2009.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:



GARY C. LANDERS
CITY ATTORNEY

EXHIBIT "A"
SITE PLAN

Homewood Suites
Tyler, Texas

Site Information

Owner: HomeAway
401 University Drive, STE 915
Spring, TX 75788
214-774-4111

Project: 14000000 - Homewood Suites Tyler, TX

Site Address: 14000000, 5400 E. Loop East, Tyler, TX 75704

City: Tyler, TX

County: Smith County, TX

Subdiv: 14000000 - Planned Community District (PCD)

Section: 28.000000 - 28.000000 - 28.000000 - 28.000000

Survey: 14000000 - 14000000 - 14000000 - 14000000

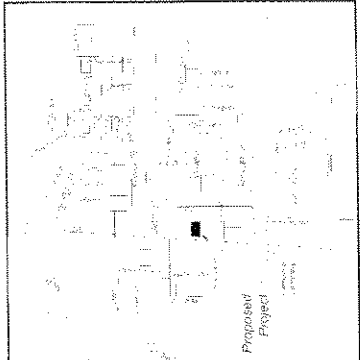
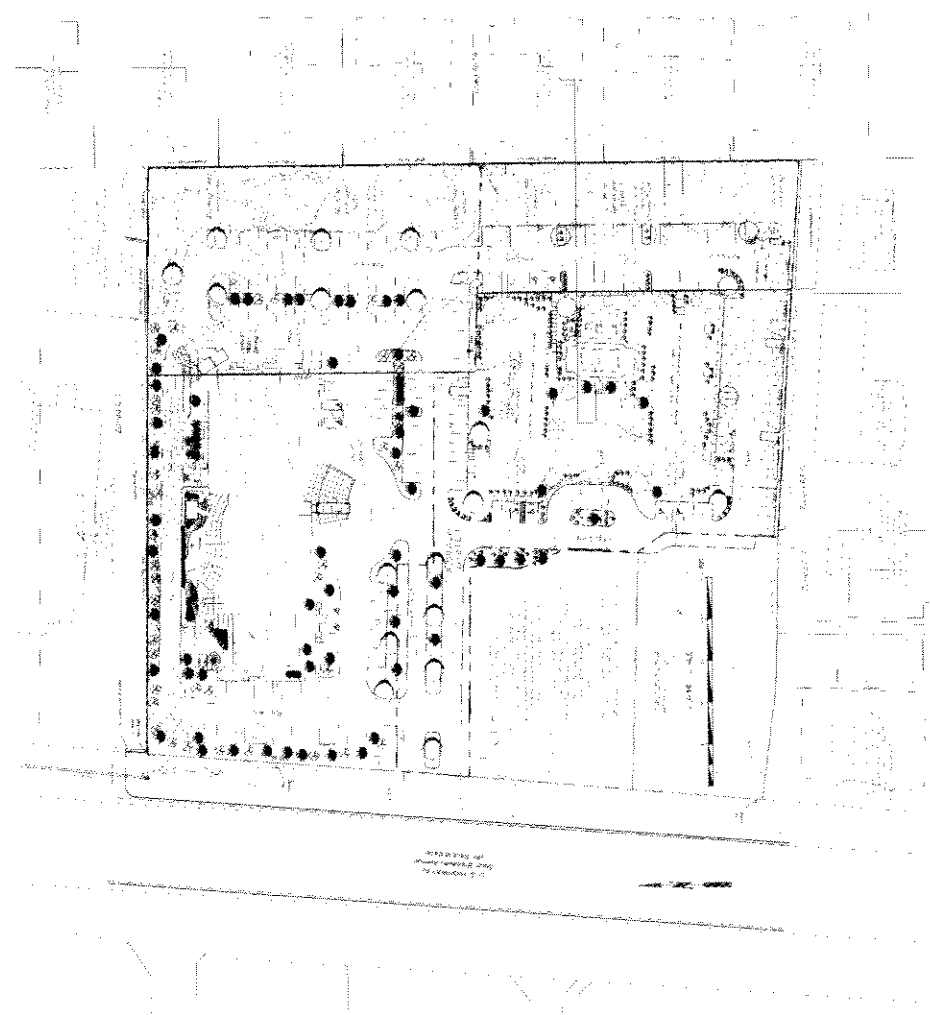
Project: 14000000 - 14000000 - 14000000 - 14000000

Parcel: 14000000 - 14000000 - 14000000 - 14000000

Map: 14000000 - 14000000 - 14000000 - 14000000

Land Use: 14000000 - 14000000 - 14000000 - 14000000
Use: 14000000 - 14000000 - 14000000 - 14000000
Note: Upon completion of the required eight-foot wall along the rear property line, any fire escape from six-inch riser located in the 50-foot buffer, that fire shall be replaced within 120 days.
As shown in the site plan, the City of Tyler, Texas, has approved the use of the site for the proposed project. The site plan shows the location of the proposed project and the location of the fire escape. The fire escape shall be replaced within 120 days of the completion of the project. The site plan also shows the location of the fire escape and the location of the fire escape.

See also: 14000000 - 14000000 - 14000000 - 14000000
Tyler, Texas
14000000 - 14000000 - 14000000 - 14000000



Location Map - Not to Scale