

ORDINANCE NO. O-2009-14

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 "M-1", LIGHT INDUSTRIAL DISTRICT TO "DBAC", DOWNTOWN BUSINESS, ARTS AND CULTURE DISTRICT ON APPROXIMATELY 13.2 ACRES OF LAND, BOUNDED BY BORDER AVENUE TO THE EAST, ERWIN STREET TO THE SOUTH AND THE UNION PACIFIC RAILROAD TO THE NORTH AND WEST; 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 Z02-09-009A

That the following described property, which has heretofore been zoned "M-1", Light Industrial District, shall hereafter bear the zoning classification of "DBAC", Downtown Business, Arts and Culture District., to-wit:

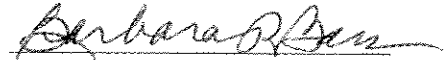
42 lots totaling approximately 13.2 acres generally bounded by Border Avenue to the east, Erwin Street to the south, and the Union Pacific Railroad to the north and west. The lots are as follows: Lots 1A, 1B, 2, 14, 15, 16 and 17 of NCB 91 (624, 638 and 710 West Ferguson Street, 623 and 711 West Erwin Street); Lots 5, 6, 11, 12, 13, 14, 15, 16, 18, 21, 22, 27, 30, 31, 32 and 999 of NCB 92 (212, 304, and 312 Border Avenue, 613 and 711 West Ferguson Street and Kidd Drive); Lot 17 of NCB 187 (700 West Erwin Street); Lots 10, 11, 12 and 17 of NCB 188 (714 West Ferguson Street, 717 and 725 West Erwin Street); Lots 3A, 4B, 5C, 6A, 7, 8, 9, 10, 11, 12, 13A and 14 of NCB189 (711, 725, 731, 803 and 809 West Ferguson Street); Lot 12B of NCB 343 (829 West Erwin Street); and 812 West Ferguson Street.

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 February, A.D., 2009.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


GARY C. LANDERS
CITY ATTORNEY