

**ORDINANCE NO. O-2009-41**

**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-1B", SINGLE-FAMILY RESIDENTIAL DISTRICT TO "PMF", PLANNED MULTI-FAMILY DISTRICT ON LOT 1 OF NCB 367, ONE LOT TOTALING APPROXIMATELY 7,600 SQUARE FEET OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF NORTH GASTON AVENUE AND GRAY STREET (126 NORTH GASTON AVENUE); APPROVING A FINAL SITE DEVELOPMENT PLAN; 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 Z04-09-026**

That the following described property, which has heretofore been zoned "R-1B", Single-Family Residential District, shall hereafter bear the zoning classification of "PMF", Planned Multi-Family District, to-wit:

Lot 1 of NCB 367B, one lot totaling approximately 7,600 square feet of land located at the southwest intersection of North Gaston Avenue and Gray Street (126 North Gaston Avenue),

and in accordance with the site development plan attached hereto as Exhibit "A". The site plan is subject to the following regulations:

That no wall signs, pole signs, or monument signs are permitted in this Planned Multi-Family Development.

**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 and that the Future Land Use Guide be revised to reflect Single-Family and Single Family Attached.

**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,

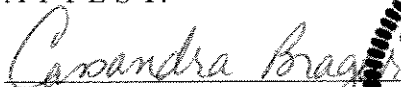
sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

**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 April 24, 2009.

**PASSED AND APPROVED** this the 22<sup>nd</sup> day of April, A.D., 2009.

  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

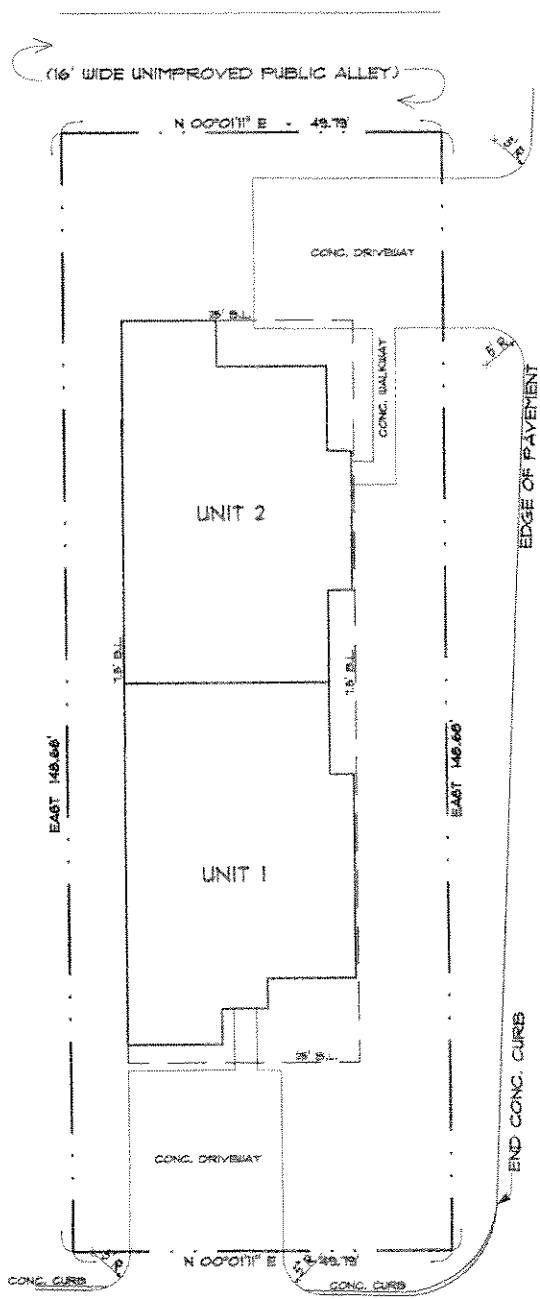
  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

  
GARY C. LANDERS, CITY ATTORNEY

**Exhibit A to Ordinance 0-2009-41**



**PLANNING & ZONING  
RESIDENTIAL/COMMERCIAL PERMIT REVIEW**

Reviewed by \_\_\_\_\_

Date \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_

Address \_\_\_\_\_

Zoning \_\_\_\_\_

Parking Required \_\_\_\_\_

Covering Provided \_\_\_\_\_

Min. Lot Area Required \_\_\_\_\_

Lot Area Provided \_\_\_\_\_

Setbacks F \_\_\_\_\_ B \_\_\_\_\_ S \_\_\_\_\_

Building Height \_\_\_\_\_

LOT 1, BLOCK 16, N.C.B. 367-B  
 UNIT 1: 126 NORTH GASTON  
 UNIT 2: 1502 WEST GRAY  
 HERNDON ADDITION  
 TYLER, SMITH COUNTY, TEXAS

**EROSION CONTROL PLAN LEGEND**

- PROPERTY LINE
- EXISTING DRIVEWAY
- EXISTING SIDEWALK
- EXISTING CURB
- EXISTING UTILITY
- EXISTING EASEMENT
- EXISTING FENCE
- EXISTING WALL
- EXISTING DRIVEWAY
- EXISTING SIDEWALK
- EXISTING CURB
- EXISTING UTILITY
- EXISTING FENCE
- EXISTING WALL

NORTH GASTON AVE.  
(60.00' R.O.W.)

**PLOT PLAN**

1" = 10.0'