

ORDINANCE NO. O-2009-97

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY ADOPTING THE SITE PLAN AMENDMENT ON PROPERTY ZONED "PCD", PLANNED COMMERCIAL DEVELOPMENT ON LOT 1A OF NCB 1559, ONE LOT TOTALING APPROXIMATELY 4.13 ACRES LOCATED SOUTHEAST OF THE INTERSECTION OF RIECK ROAD AND SOUTH BROADWAY AVENUE (5510 S BROADWAY); 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 Z09-09-054

That the site development plan is hereby amended by approving the sign regulations listed in Part 2 on the following described property zoned "PCD", Planned Commercial Development District, to-wit:

Lot 1A of NCB 1559, one lot totaling approximately 4.13 acres located southeast of the intersection of Rieck Road and S. Broadway Avenue (5510 S. Broadway).

PART 2: That the site development plan shall be subject to the following conditions:

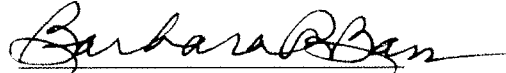
- a) One sign per tenant not to exceed 100 square feet;
- b) Sign must be located on primary façade (facing S. Broadway Avenue);
and
- c) No signs on the northern and eastern facades.

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.

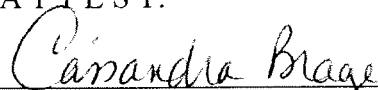
PART 4: Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

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 September 25, 2009.

PASSED AND APPROVED this the 23rd day of September, A.D., 2009.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


MARY C. SANDERS
CITY ATTORNEY