

ORDINANCE NO. O-2010-43

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 “RPO”, RESTRICTED PROFESSIONAL OFFICE TO “PMF” PLANNED MULTI-FAMILY RESIDENTIAL DISTRICT LOCATED ON LOT 8 OF NCB 83, ONE LOT TOTALING APPROXIMATELY 0.27 ACRES LOCATED NORTH OF THE NORTHEAST INTERSECTION OF BRYAN STREET AND SOUTH BONNER AVENUE (430 SOUTH BONNER 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 Z05-10-032

That the existing site development plan is hereby amended by approving the site development plan attached hereto as Exhibit “A” on the following described property zoned “PMF” Planned Multi-Family Residential District, to wit:

Lot 8 of NCB 83, one lot totaling approximately 0.27 acres located north of the northeast intersection of Bryan Street and South Bonner Avenue (430 South Bonner Avenue),

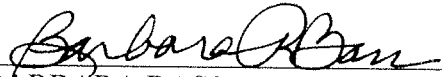
and in accordance with the site development plan attached hereto as Exhibit “A” for no more than three apartments.

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 May 28, 2010.

PASSED AND APPROVED this the 26th day of May, A.D., 2010.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:


GARY C. LANDERS, CITY ATTORNEY

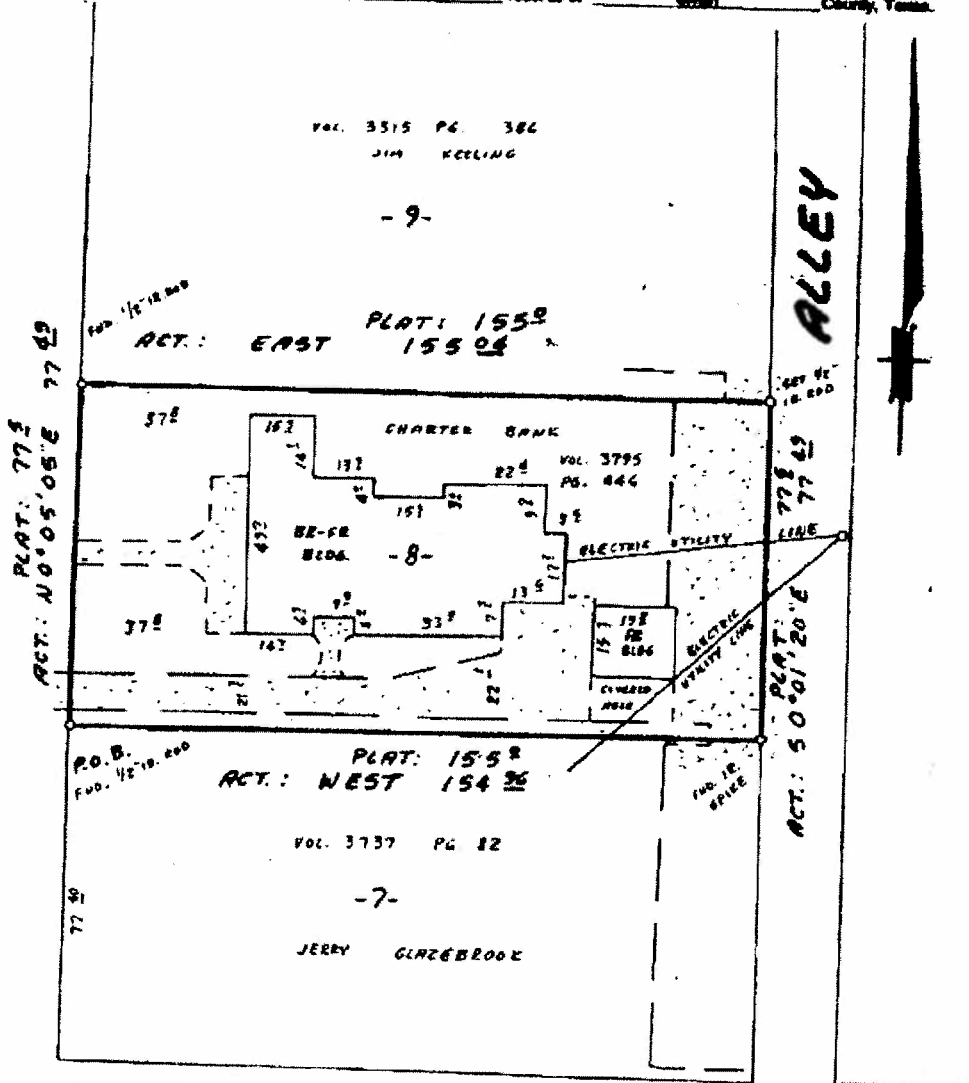


EXHIBIT "A"
PLAT OF SURVEY

I, Richard C. Davis, Registered Professional Land Surveyor No. 1794, do hereby certify the plat herein was prepared from an actual survey made under my supervision on the ground of property located at 430 SOUTH BONNER AVENUE

TYLER, Texas, Described as follows,
Lot No. - 8 - BLOCK - 4 - N.C.B. 83
of MRS. T. W. JONES ADDITION
TYLER, Texas, according to the Plat of said Addition recorded in VOL. 42
PG. 340 of the DEED records of Smith County, Texas.

SOUTH BONNER AVENUE



The plat herein is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat, the site, location, and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and this survey substantially complies with a category I-A condition II survey as specified by the latest edition of the "Manual of Practice for Land Surveying in Texas".
Errors: supplied by N/A

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS
BEARINGS BASED ON SOUTH LINE

The above tract is not below the 100 year flood stage as shown on the National Flood Insurance Plains Map.
Flood Zone X Panel 480571 0008B 2-19-92

BORROWER: ANDREW MCINTOSH
LEASER: CHARTER BANK, 550
TITLE CO: LANDMARK TITLE

Scale: 1" = 30'
Date: 8-2-96
Book: 704 Page 62

Richard C. Davis
Registered Professional Land Surveyor No. 1794
13266 Hwy 64 East
Tyler, Texas 75707



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MEX 25