

ORDINANCE NO. O-2011-29

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 "PCD", PLANNED COMMERCIAL DEVELOPMENT DISTRICT TO "PMXD-1", PLANNED MIXED USE DISTRICT ON LOT 3C OF NCB 1563, ONE LOT CONTAINING APPROXIMATELY 0.74 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF EAST RIECK ROAD AND DONNYBROOK AVENUE (327 EAST RIECK ROAD); DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE GUIDE; 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 Z04-11-023

That the following described property, which has heretofore been zoned "PCD", Planned Commercial Development District, shall hereafter bear the zoning classification of "PMXD-1", Planned Mixed Use District, to wit:

Lot 3C of NCB 1563, one lot containing approximately 0.74 acres of land located at the southwest intersection of East Rieck Road and Donnybrook Avenue (327 East Rieck Road) and in accordance with the site plan attached hereto as Exhibit "A".


PART 2: That the City authorizes a joint use parking agreement to allow the residential units to utilize the six spaces dedicated for their use and share the required three visitor parking spaces with the 27 parking spaces associated for the office use allowing for the total of 33 parking spaces on the lot.

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 and that the Future Land Use Guide be revised to reflect "Mixed Use District".

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 April 29, 2011.

PASSED AND APPROVED this the 27th day of April, A.D., 2011.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



GARY C. LANDERS, CITY ATTORNEY

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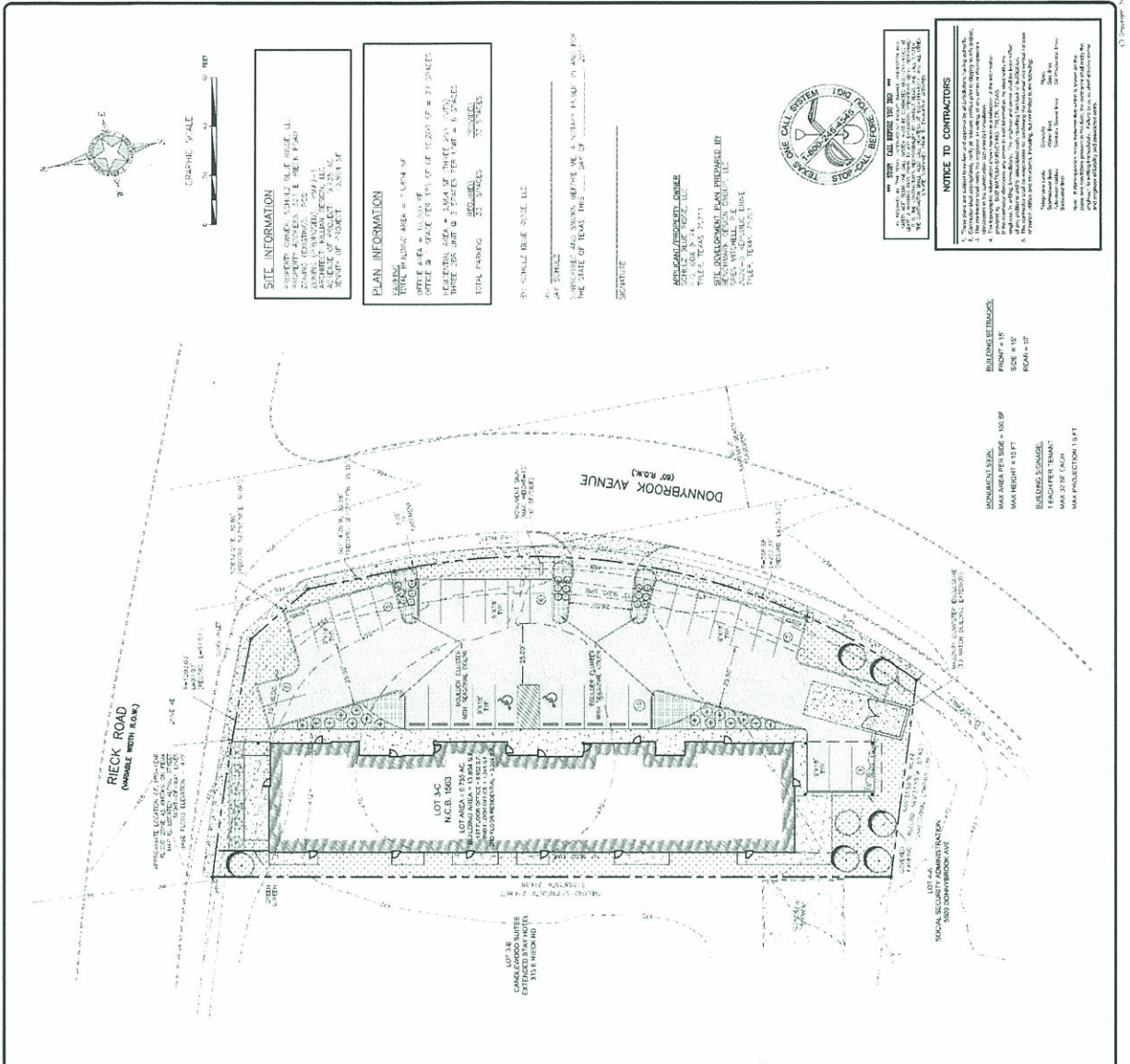
Exhibit "A" – Page 1/3

BENCHMARK DESIGN GROUP, LLC
 CIVIL / ENVIRONMENTAL ENGINEERS
 2026 REPUBLIC DRIVE SUITE B TYLER, TEXAS 75701
 (903) 534-6353 • FAX (903) 534-6352
 WWW.BENCHMARKDESIGN.COM
 FIRM NUMBER F-7514

PROPOSED OFFICE BUILDING
 327 EAST RIECK ROAD
 PCD SITE PLAN

DATE: 02-24-11
 DRAWN: JAW
 CHECKED: JLB
 DATE: FEBRUARY 2011
 JOB NO.: 2011.006
 SHEET: 1

SCALE: 1" = 10'
 GRAPHIC SCALE



LEGEND

TELETYPE ROOMS (INDICATED BY DASHES)
 OFFICE (INDICATED BY SOLID)
 RESTROOMS (INDICATED BY CIRCLES)
 ELEVATOR (INDICATED BY SQUARES)
 MEETING ROOMS (INDICATED BY TRIANGLES)
 STORAGE (INDICATED BY DIAGONAL LINES)
 PARKING (INDICATED BY DOTTED)
 LANDSCAPING (INDICATED BY WAVE LINES)
 UTILITY (INDICATED BY DASHED)

LANDSCAPE NOTES

1. ALL PLANTS SHALL BE PLANTED WITHIN 14 DAYS OF COMPLETION OF CONSTRUCTION.
 2. PLANTS SHALL BE PLANTED AT THE PROPER SPACING AND DEPTH.
 3. PLANTS SHALL BE PLANTED AT THE PROPER DEPTH AND SPACING.
 4. ALL PLANTS SHALL BE PLANTED AT THE PROPER DEPTH AND SPACING.

LANDSCAPE TABLES

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE / SPECIFICATION
1	(Symbol)	Small Tree	...	...
2	(Symbol)	Medium Tree	...	...
3	(Symbol)	Large Tree	...	...

THRESH

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE / SPECIFICATION
1	(Symbol)	Small Tree	...	...
2	(Symbol)	Medium Tree	...	...
3	(Symbol)	Large Tree	...	...

NOTICE TO CONTRACTORS

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

BUILDING SETTINGS

FRONT - 15'
 SIDE - 10'
 REAR - 20'

MINIMUM SETBACKS

MAX AREA PER SIDE - 100 SF
 MAX HEIGHT - 10 FT
 MAX SETBACK - 10 FT

SEAL

BY: [Signature]
 DATE: [Date]

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