

ORDINANCE NO. O-2015-105

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY APPROVING A ZONE CHANGE FROM "C-1", LIGHT COMMERCIAL DISTRICT TO "PMXD-1", PLANNED MIXED USE DISTRICT WITH FINAL SITE PLAN ON LOT 16H OF NCB 1434A, ONE LOT CONTAINING APPROXIMATELY 1.73 ACRES OF LAND LOCATED WEST OF THE NORTHWEST INTERSECTION OF SOUTH BROADWAY AVENUE AND WEST HERITAGE DRIVE (301 WEST HERITAGE DRIVE); 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 Z12-15-005

That the following described property, which has heretofore been zoned "C-1", Light Commercial District, shall hereafter bear the zoning classification of "PMXD-1", Planned Mixed Use District with final site plan, to wit:

Lot 16H of NCB 1434A, one lot containing approximately 1.73 acres of land located west of the northwest intersection of South Broadway Avenue and West Heritage Drive (301 West Heritage Drive), in accordance with the site plan attached hereto as Exhibit "A" and incorporated herein.

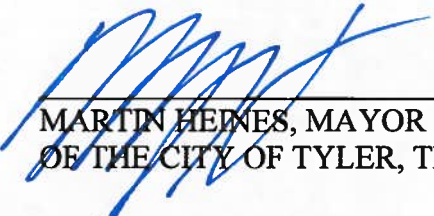
PART 2: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning.

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 December 11th, 2015.

PASSED AND APPROVED this the 9th day of December, A.D., 2015.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

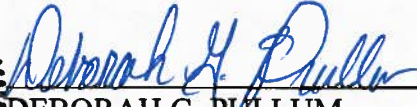
ATTEST:

APPROVED:



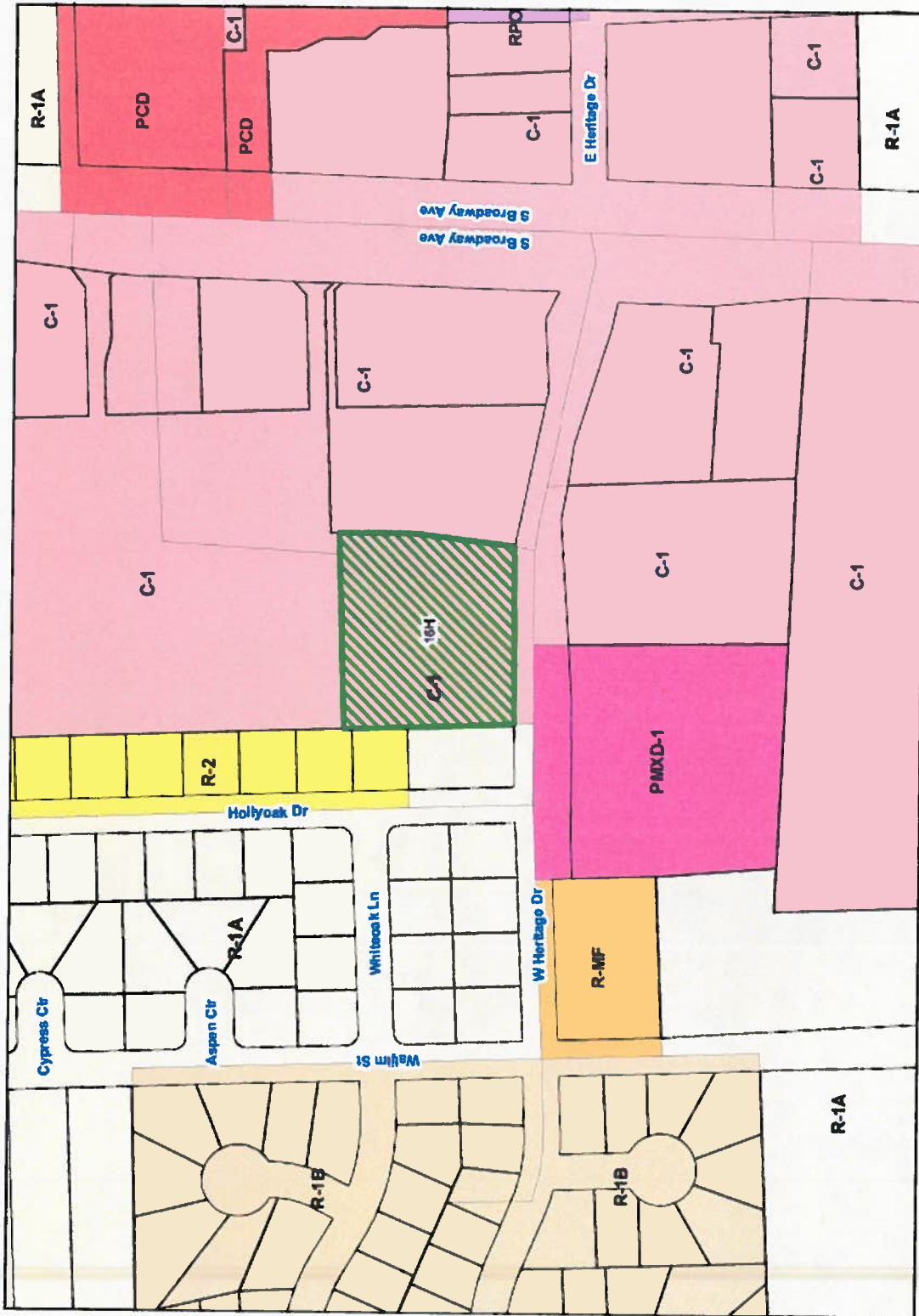
CASSANDRA BRAGER, CITY CLERK





DEBORAH G. PULLUM,
CITY ATTORNEY

**ORDINANCE NO. O-2015-105
EXHIBIT "B"
LOCATION MAP**



ZONING CASE
 Zoning Case #: Z12-15-005
 Existing Zoning: C-1 Proposed Zoning PMXD-1
 Applicant: Jalapeno Tree Holdings, LLC

This product is for informational purposes and may not have been prepared or be suitable for legal engineering, or surveying purposes. It is not intended to be used for any other purpose and represents only the approximate relative location of property boundaries.

250 0 250 Feet

**ORDINANCE NO. O-2015-105
EXHIBIT "C"
TYLER 1ST FUTURE LAND USE GUIDE**

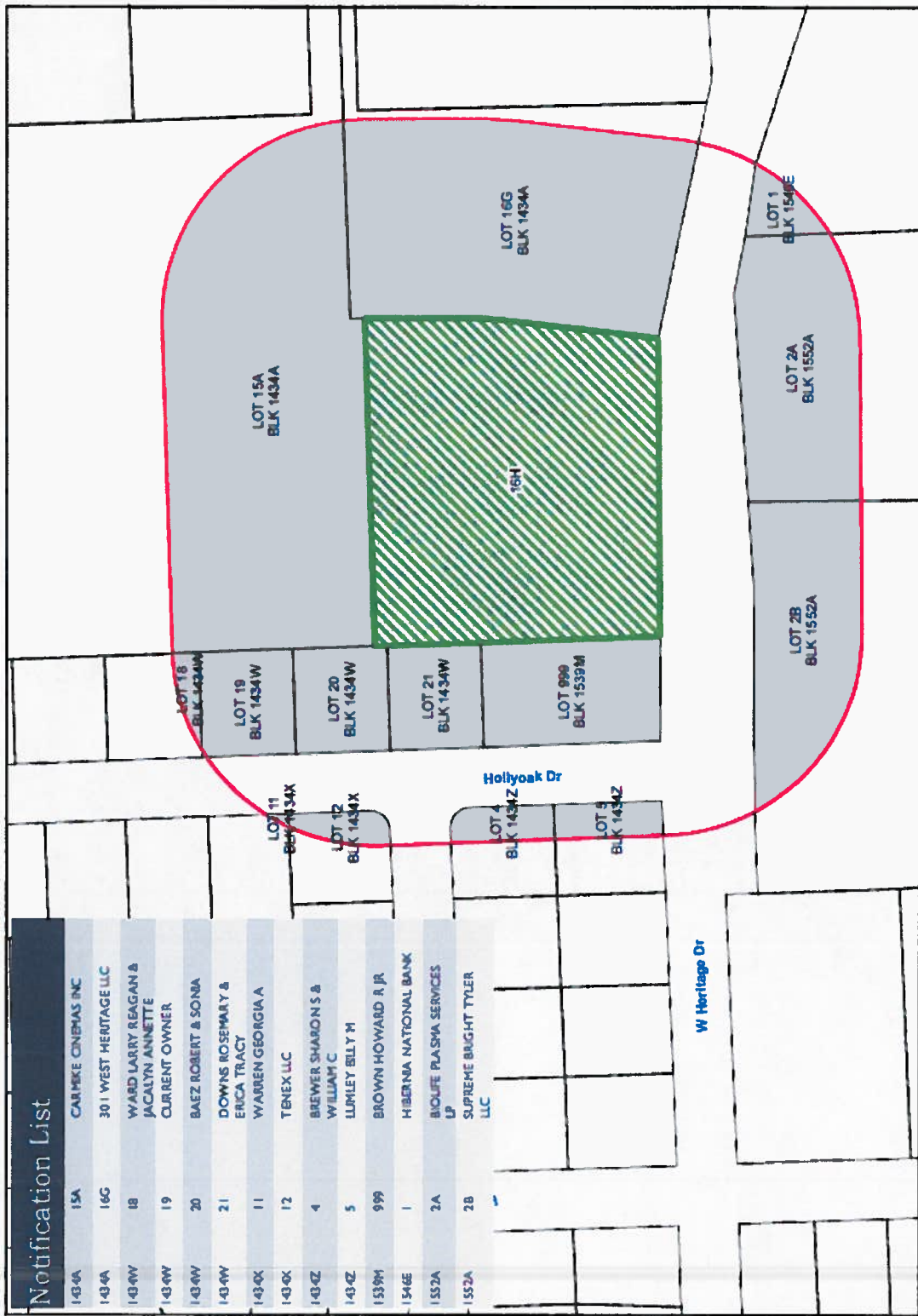


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Zoning Case #: Z12-15-005
Existing Zoning: C-1 Proposed Zoning PMXD-1
Applicant: Jalapeno Tree Holdings, LLC

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**ORDINANCE NO. O-2015-105
EXHIBIT "D"
NOTIFICATION MAP**



Notification List

1434A	15A	CARMEK CINEMAS INC
1434A	16G	301 WEST HERITAGE LLC
1434W	18	WARD LARRY REGAN & JACALYN ANNETTE CURRENT OWNER
1434W	19	BAEZ ROBERT & SONIA
1434W	21	DOWNS ROSEMARY & ERICA TRACY
1434X	11	WARREN GEORGIA A
1434X	12	TENEX LLC
1434Z	4	BREWER SHARON S & WILLIAM C
1434Z	5	LUMLEY BILLY M
1539M	999	BROWN HOWARD R JR
1546E	1	HIBERNA NATIONAL BANK
1552A	2A	BIO LIFE PLASMA SERVICES LP
1552A	28	SUPREME BRIGHT TYLER LLC



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