

**ORDINANCE NO. O-2013-13**

**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-MF", MULTI-FAMILY RESIDENTIAL DISTRICT TO "PCD", PLANNED COMMERCIAL DEVELOPMENT DISTRICT WITH FINAL SITE PLAN ON LOT 18 OF NCB 677B, ONE LOT CONTAINING APPROXIMATELY 0.15 ACRES OF LAND LOCATED AT THE NORTHWEST INTERSECTION OF BAXTER AVENUE AND IDEL STREET (735 BAXTER AVE); 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 Z02-13-016**

That the following described property, which has heretofore been zoned "R-MF", Multi-Family Residential District, shall hereafter bear the zoning classification of "PCD", Planned Commercial Development District with final site plan, to wit:

Lot 18 of NCB 677B, one lot containing approximately 0.15 acres of land located at the northwest intersection of Baxter Avenue and Idel Street (735 Baxter Ave), and in accordance with the site plan attached hereto as Exhibit "A".


**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 March 1st, 2013.

**PASSED AND APPROVED** this the 27<sup>th</sup> day of February, A.D., 2013.

  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

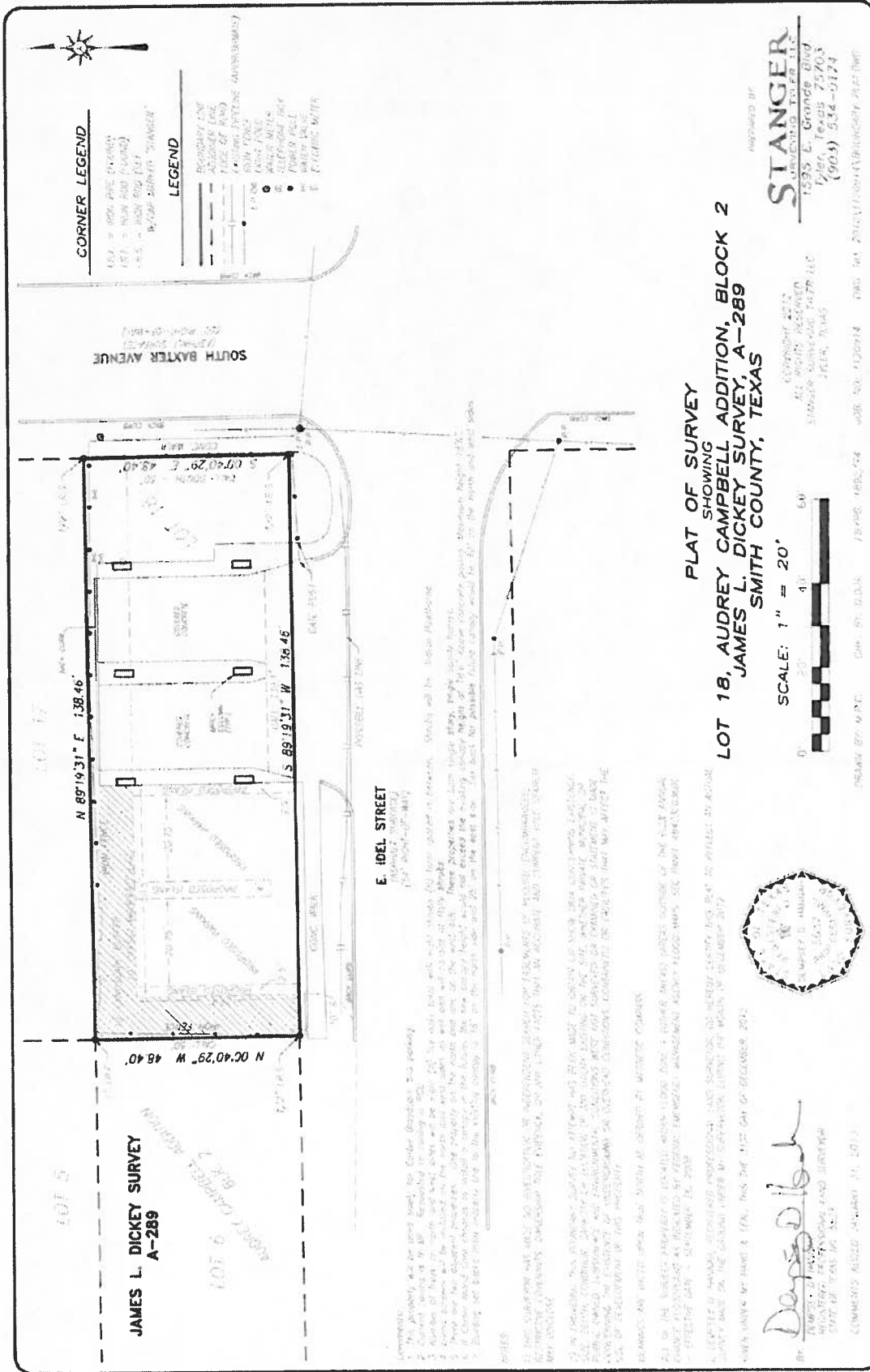
  
CASSANDRA BRAGER, CITY CLERK

APPROVED:

  
GARY C. LANDERS, CITY ATTORNEY



**ORDINANCE NO. O-2013-13**  
**Exhibit "A"**



**PLAT OF SURVEY**  
SHOWING  
**LOT 18, AUDREY CAMPBELL ADDITION, BLOCK 2**  
**JAMES L. DICKEY SURVEY, A-289**  
**SMITH COUNTY, TEXAS**

**STANGER**  
 SURVEYING & MAPPING, INC.  
 1335 L. Granger Blvd.  
 Tyler, Texas 75703  
 (903) 534-0174

SCALE: 1" = 20'



JAMES L. DICKEY  
 PROFESSIONAL ENGINEER  
 STATE OF TEXAS No. 10557

**E. IDEL STREET**  
(Formerly Highway 174 - 200th Street)

COMMENTS:  
 1. This property was not used for either residential or commercial purposes.  
 2. Current zoning is R-1 (Residential Single-Family).  
 3. A portion of the lot is currently used for agricultural purposes.  
 4. There are no other structures on the property.  
 5. The lot is currently vacant.  
 6. If corner monument is found to be in the wrong place, it shall be replaced by a monument of the same material and height as the original monument.  
 7. The survey was made by the undersigned on the 15th day of October, 2013.  
 8. The survey was made by the undersigned on the 15th day of October, 2013.  
 9. The survey was made by the undersigned on the 15th day of October, 2013.  
 10. The survey was made by the undersigned on the 15th day of October, 2013.

BEING THE SAME AS THE SURVEY MADE BY THE UNDERSIGNED FOR THE PURPOSE OF RECORDING THE SAME ON THE 15th DAY OF OCTOBER, 2013.  
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DRAWN BY: M.P.C. DATE: 09/10/13 JOB NO: 1122614 JOB: 501 1122614 DWG: 101 20131101-A (Subordinate Plat)