

**ORDINANCE NO. O-2015-55**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY APPROVING A "PMXD-1", PLANNED MIXED USE DISTRICT FINAL SITE PLAN AMENDMENT ON LOT 43 OF NCB 1546, ONE LOT CONTAINING 4.37 ACRES OF LAND LOCATED NORTH OF THE NORTHWEST INTERSECTION OF WEST CUMBERLAND ROAD AND SOUTH BROADWAY AVENUE (8389 SOUTH BROADWAY 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 Z06-15-061**

That the existing site development plan is hereby amended by approving the site plan attached hereto as Exhibit "A" on the following described property zoned "PMXD-1", Planned Mixed Use District to wit:

Lot 43 of NCB 1546, one lot containing 4.37 acres of land located north of the northwest intersection of West Cumberland Road and South Broadway Avenue (8389 South Broadway Avenue) and in accordance with the site plan attached hereto as Exhibit "A" and which is 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 June 26<sup>th</sup>, 2015.

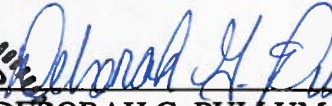
**PASSED AND APPROVED** this the 24<sup>th</sup> day of June, A.D., 2015.

  
\_\_\_\_\_  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

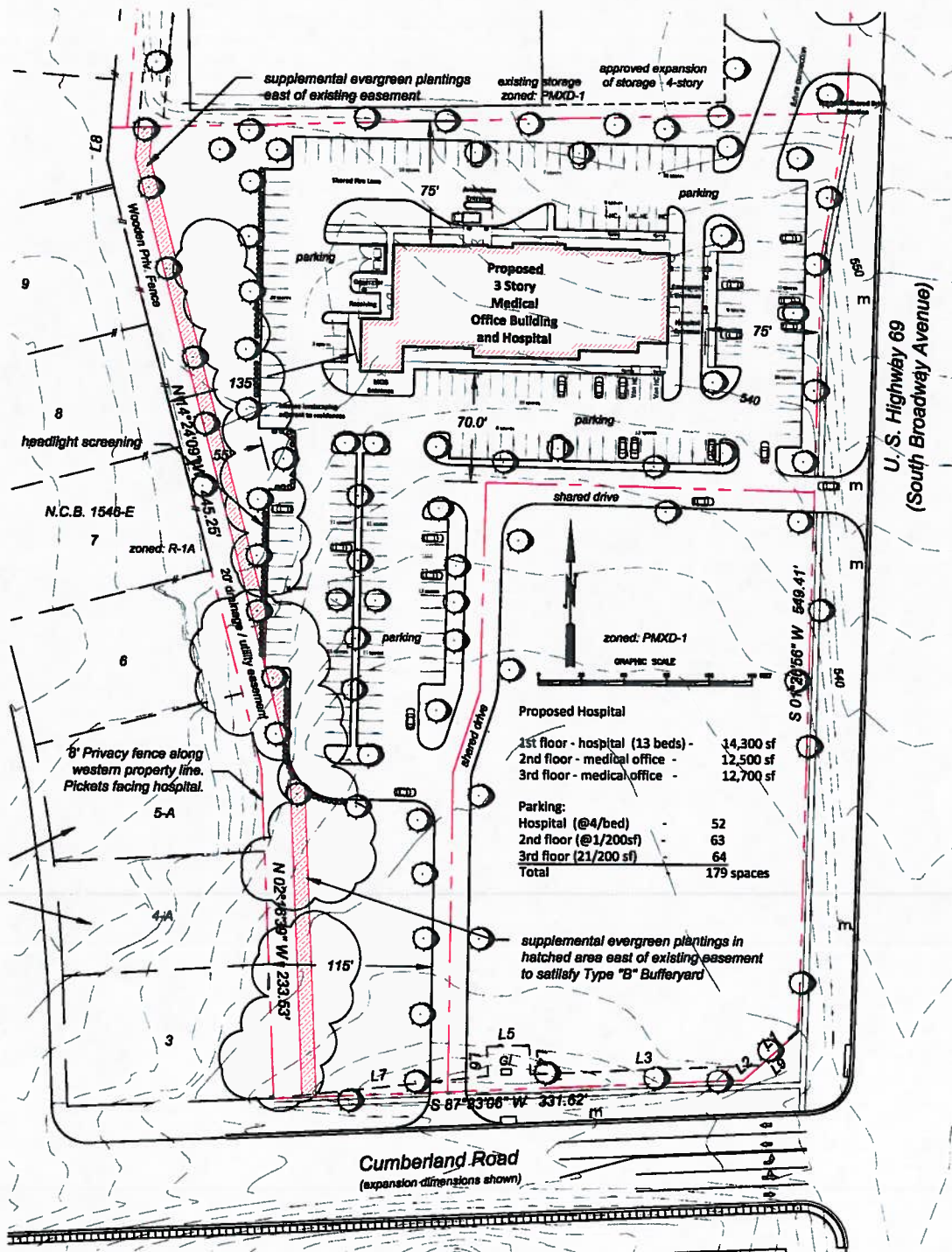
APPROVED:

  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK

  
\_\_\_\_\_  
DEBORAH G. PULLUM,  
CITY ATTORNEY



**ORDINANCE NO. O-2015-55**  
**EXHIBIT "A"**  
**FINAL SITE PLAN**



**DEVELOPER:**  
 Emerus Hospitals  
 8688 New Trails Drive, STE 100  
 The Woodlands, TX 77381  
 713-637-1240

site plan prepared by:



**SITE INFORMATION:**

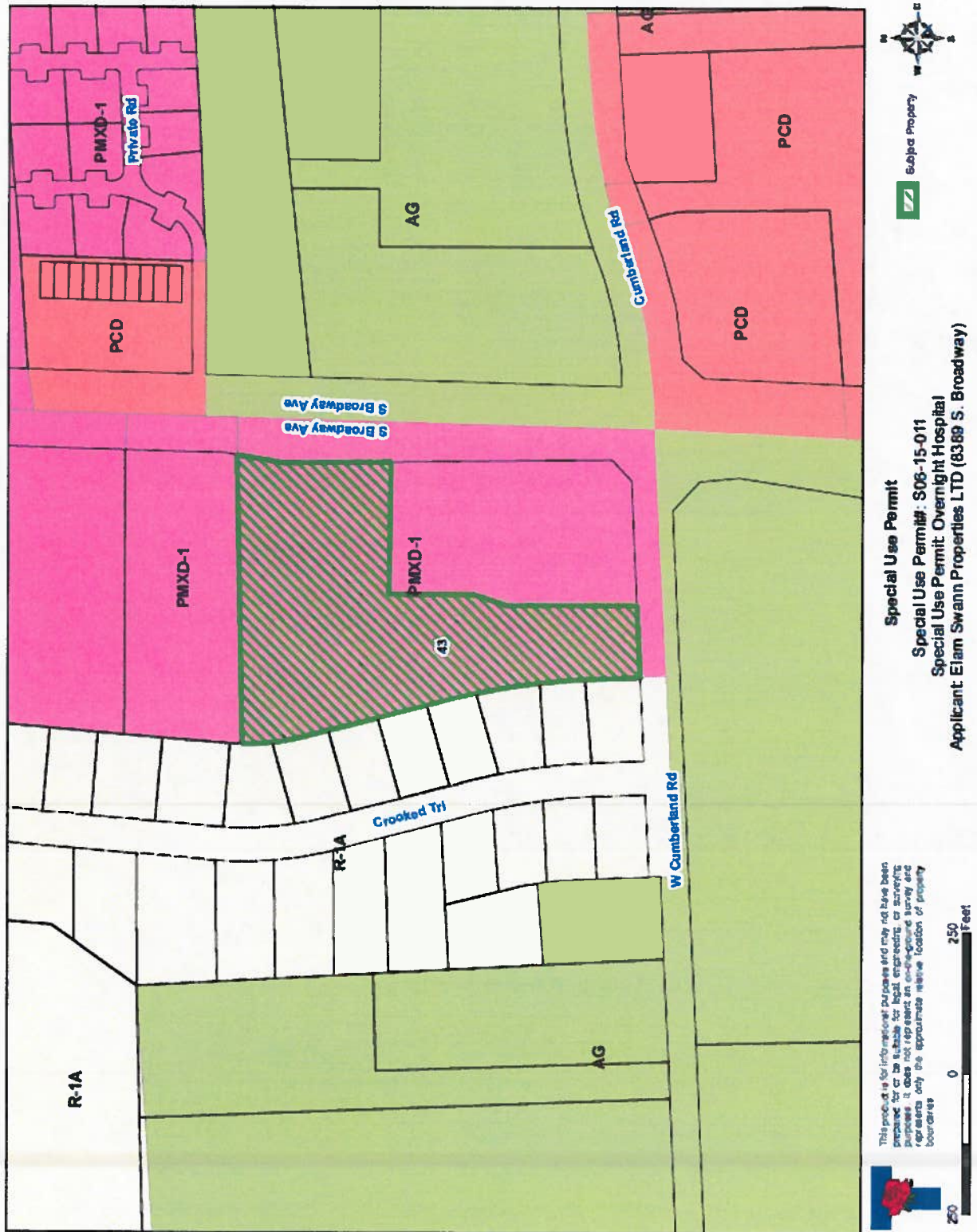
**PROJECT:** Proposed 3-Story hospital with 12-18 beds and medical office / clinic uses.  
**ACREAGE:** LOT 43, NCB 1546 4.368± ACRES  
**CURRENT ZONING:** PMXD-1  
**PROPOSED ZONING:** PMXD-1  
**SETBACKS:** All sides 25'  
**HEIGHT:** Three (3) Story / 50' Maximum  
**SIGNAGE:** (per UDC Sign Chart Section 10-408)

**PARKING:** Required - 179 Provided - 201  
 parking to be in compliance with the requirements of the Tyler UDC based on approved plans and final square footage / uses.  
**LANDSCAPING:** Landscaping will meet or exceed minimum standards set forth in the Tyler UDC.  
**SCREENING:** 8' privacy fence along west property line with pickets facing hospital (for security)  
**BUFFERYARD:** Type "B" shown with 8' wood privacy fence

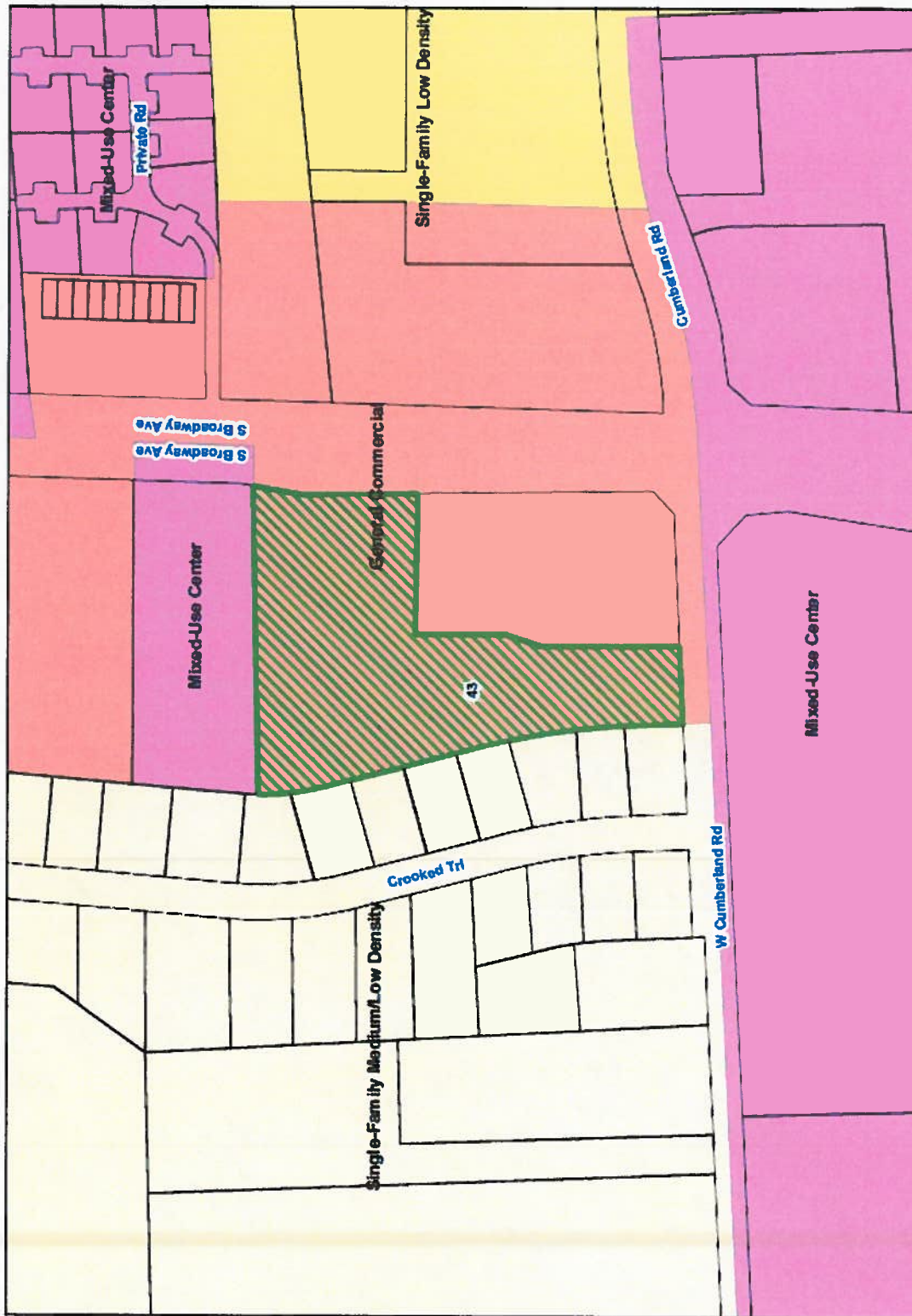
Rev: 5-29-2015



**ORDINANCE NO. O-2015-55**  
**EXHIBIT "B"**  
**LOCATION MAP**



**ORDINANCE NO. O-2015-55**  
**EXHIBIT "C"**  
**TYLER 1<sup>ST</sup> FUTURE LAND USE GUIDE**



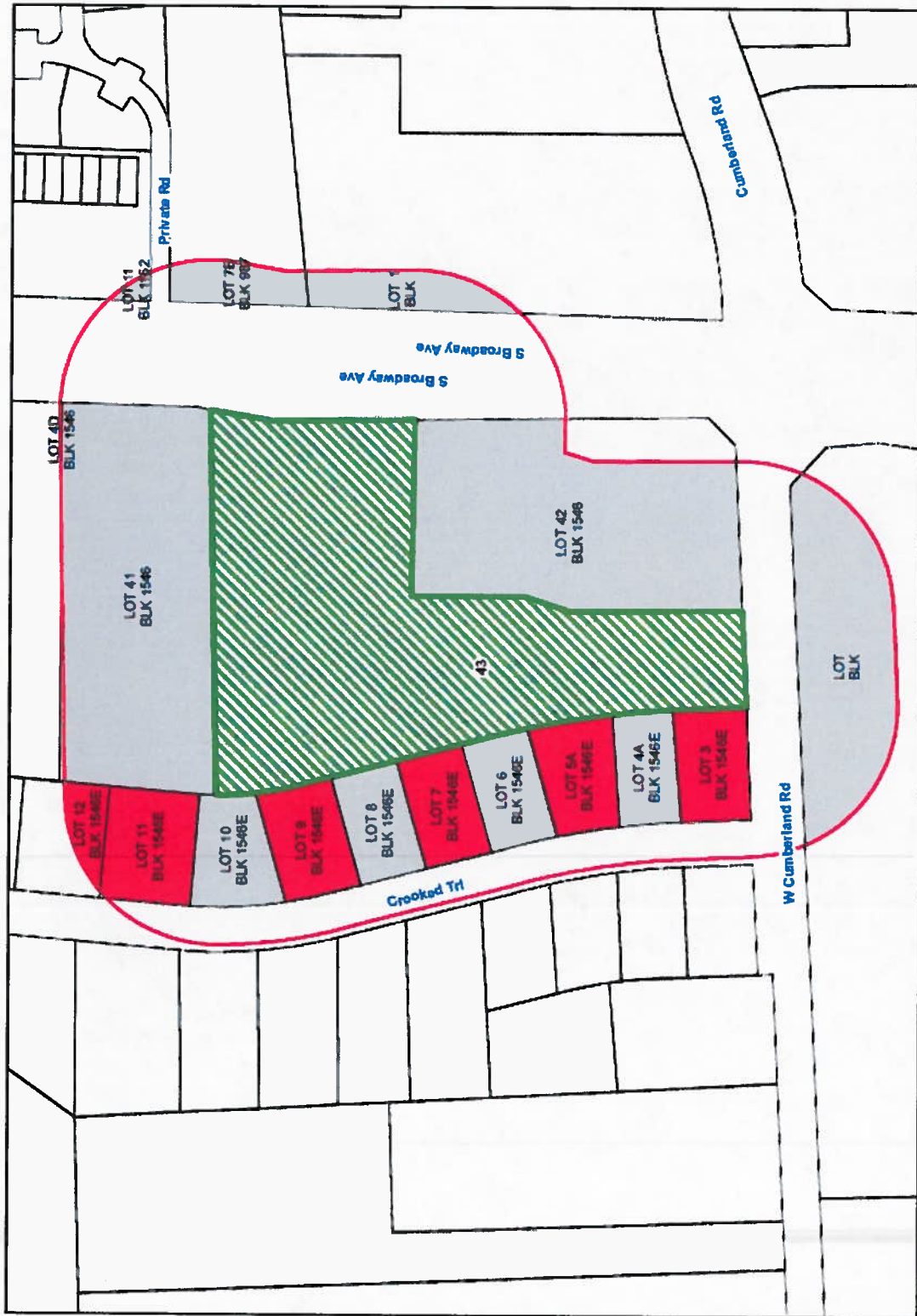
**Special Use Permit**  
**Special Use Permit#: S06-15-011**  
**Special Use Permit: Overight Hospital**  
**Applicant: Elam Swann Properties LTD (8389 S. Broadway)**

This process is for informational purposes and may not have been  
 prepared for or be suitable for legal, engineering, or surveying  
 purposes. It does not represent an on-the-ground survey and  
 represents only the approximate relative location of property  
 boundaries.

250 0 250 Feet



**ORDINANCE NO. O-2015-55  
EXHIBIT "D"  
NOTIFICATION MAP**



**Zoning Case**  
Zoning Case #: Z08-15-061  
Existing Zoning: PMXD-1 Proposed Zoning: PMXD-1  
Applicant: Elam Swann Properties LTD (8389 S. Broadway)

This plat is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

200 0 200 Feet