

**ORDINANCE NO. O-2018-36**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY APPROVING A "PCD", PLANNED COMMERCIAL DEVELOPMENT DISTRICT FINAL SITE PLAN ON LOT 1 OF NCB 1153, ONE LOT TOTALING APPROXIMATELY 2.01 ACRES OF LAND LOCATED AT THE SOUTHEAST INTERSECTION OF SOUTH BROADWAY AVENUE AND CUMBERLAND ROAD (8618 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 PD18-003**

That the following described property, which has heretofore been zoned "PCD", Planned Commercial Development District, shall hereafter be governed under a "PCD", Planned Commercial Development District final site plan, to wit:


Lot 1 of NCB 1153, one lot totaling approximately 2.01 acres of land located at the southeast intersection of South Broadway Avenue and Cumberland Road (8618 South Broadway Avenue) and as described and shown and in accordance with the final 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 April 27<sup>th</sup>, 2018.


**PASSED AND APPROVED** this the 25<sup>th</sup> day of April A.D., 2018.

  
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MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

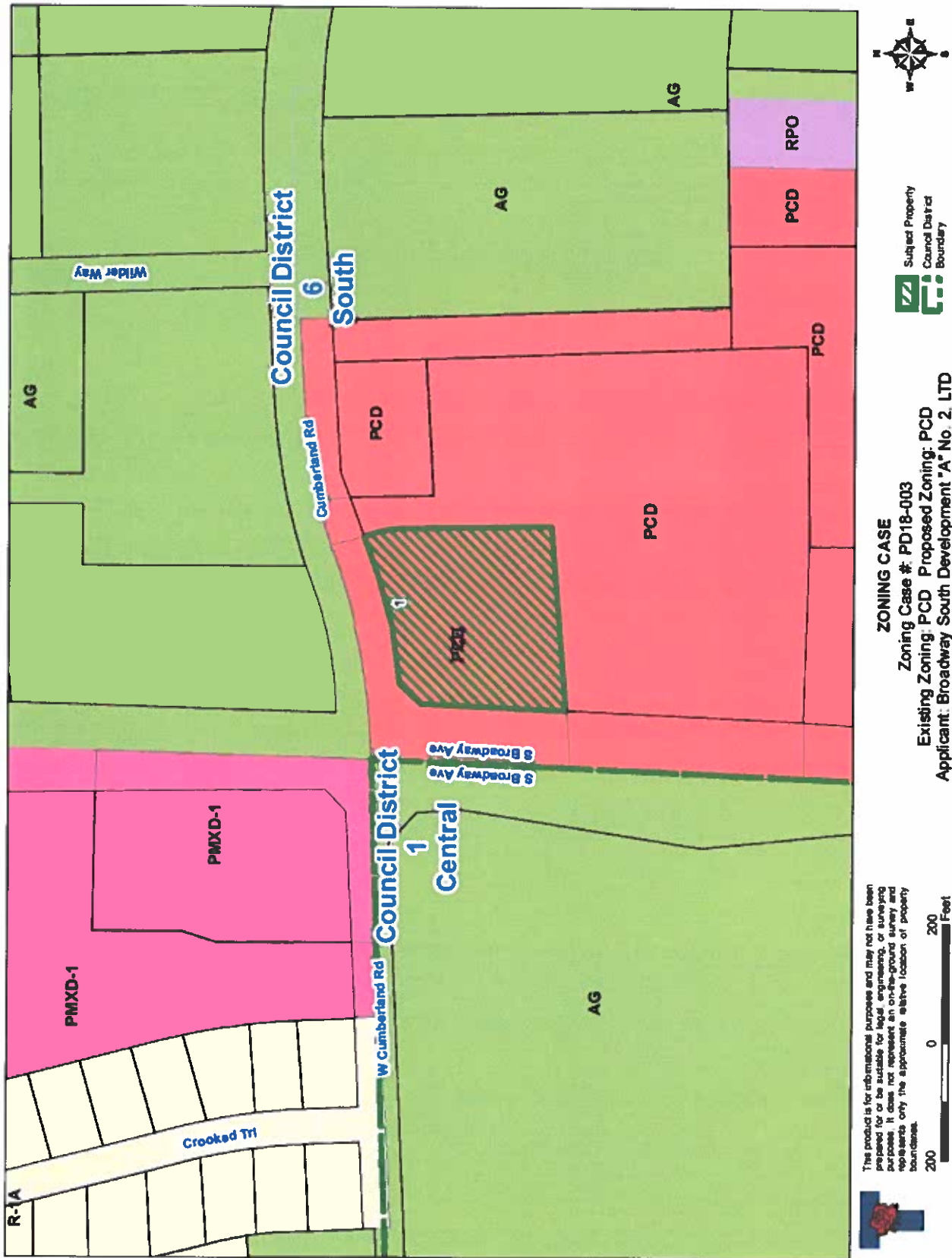
  
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CASSANDRA BRAGER, CITY CLERK



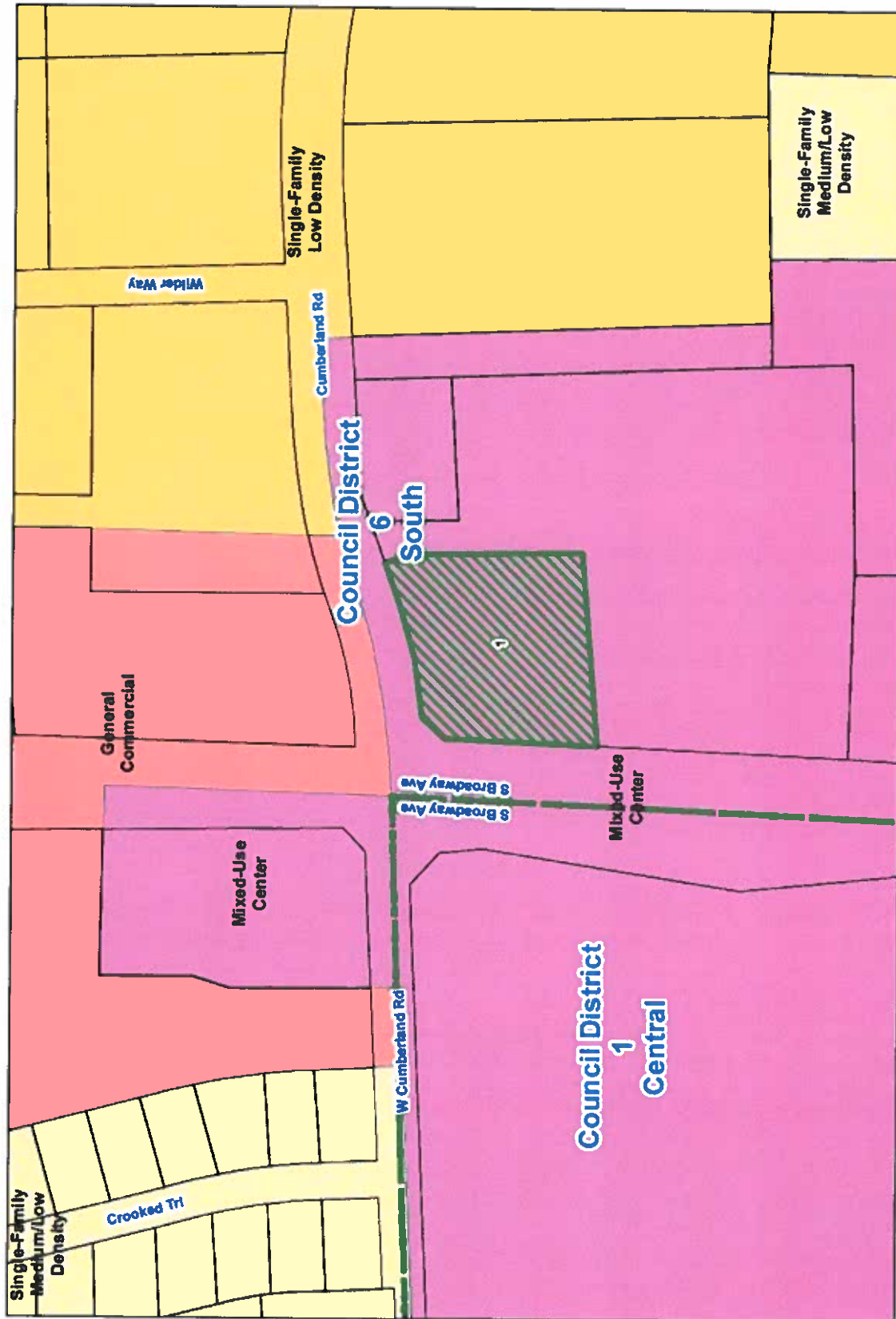
APPROVED:  
  
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DEBORAH G. PULLUM,  
CITY ATTORNEY

[illegible]

**ORDINANCE NO. 0-2018-36  
EXHIBIT "B"  
LOCATION MAP**



**ORDINANCE NO. 0-2018-36  
EXHIBIT "C"  
TYLER 1<sup>ST</sup> FUTURE LAND USE GUIDE**



**ZONING CASE**  
Zoning Case #: PD18-003  
Existing Zoning: PCD Proposed Zoning: PCD  
Applicant: Broadway South Development "A" No. 2, LTD

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



**ORDINANCE NO. 0-2018-36  
EXHIBIT "D"  
NOTIFICATION MAP**

