

**ORDINANCE NO. O-2007-127**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; 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; and

**WHEREAS**, on September 24, 2003, the City Council approved Application Z07-03-034, changing the zoning on an area fronting Cumberland Road and Broadway Avenue, and adopting the Cumberland Park Commercial Standards and Guidelines governing development; and

**WHEREAS**, written notice was provided to all owners of real property located within 200 feet of the boundaries of the property described in the Conceptual Development Plan; and

**WHEREAS**, on November 1, 2007, the City Council adopted Ordinance No. 0-2007-126 approving a Preliminary Parcel Development Plan for a tract of land consisting of approximately 10.5 acres out of the B.L. Robins Survey, A-825, located at the southeast intersection of South Broadway and Cumberland Road;

**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 Z09-07-101B**

That the Site Development Plan is hereby approved for the following described property, to wit:

A tract of land consisting of approximately 10.5 acres tract of land out of the B.L. Robins Survey, A-825, located at the southeast intersection of South Broadway and Cumberland Road,

and in accordance with the Site Development Plan attached hereto as Exhibit "A", and the traffic recommendations shown in Exhibit "B".

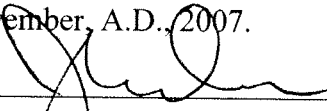
**PART 2:** That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning change.

**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.

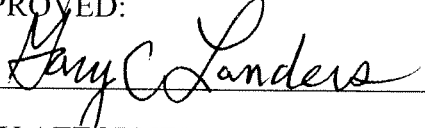
**PASSED AND APPROVED** this the 1<sup>st</sup> day of November, A.D., 2007.

  
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JOSEPH O. SEEBER, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

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



APPROVED:  
  
\_\_\_\_\_  
GARY C. LANDERS  
CITY ATTORNEY



**Traffic Improvements**

- One access to be provided to Cumberland Road to promote efficient site circulation.
- A raised median should be installed on Cumberland Road from the intersection to just pass the West access point in order to create a right in/right out driveway at the first access point.
- Eastbound right turn lanes should be constructed on Cumberland Road at both access points to the site.
- A westbound left turn lane should be constructed at the East access point on Cumberland Road.
- A second westbound left turn lane should be added to the intersection of Broadway Avenue and Cumberland Road.
- A northbound right turn lane should be constructed on Broadway Avenue at the South access point.
- The vertical alignment of Cumberland Road should be improved to ensure that adequate intersection sight distance is provided at the site's accesses on Cumberland Road.