

**ORDINANCE NO. O-2008-86**

**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-2" TWO-FAMILY RESIDENTIAL DISTRICT TO "PCD" PLANNED COMMERCIAL DEVELOPMENT DISTRICT WITH FINAL SITE PLAN APPROVAL ON LOTS 4 AND 10A OF NCB 536, TOTALING APPROXIMATELY 2.5 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF EAST RICHARDS STREET AND SOUTH HORACE AVENUE (1358 EAST RICHARDS STREET); 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 Z07-08-071A**

That the following described property, which has heretofore been zoned "R-2" Two-Family Residential District, shall hereafter bear the zoning classification of "PCD" Planned Commercial Development District with final site development plan approval to-wit:

Lots 4 and 10A of NCB 536, totaling approximately 2.5 acres located at the northeast intersection of East Richards Street and South Horace Avenue (1358 East Richards Street).

and in accordance with the final site development 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 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, which date is expected to be July 25, 2008.

**PASSED AND APPROVED** this the 23<sup>rd</sup> day of July, A.D., 2008.


  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

  
MARY C. LANDERS  
CITY ATTORNEY

