

**ORDINANCE NO. O-2008-99**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY APPROVING THE "POD" PLANNED OFFICE DEVELOPMENT DISTRICT SITE DEVELOPMENT PLAN RELATING TO A PORTION OF LOT 1 OF NCB 1090, A PORTION OF ONE LOT TOTALING APPROXIMATELY 4.18 ACRES LOCATED ONE LOT NORTH OF THE NORTHEAST INTERSECTION OF LOOP 323 SSE AND ROANOKE LANE (2759 MCDONALD ROAD); 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 Z08-08-077A**

That the site development plan is hereby approved and attached hereto as Exhibit "A" on the following described property zoned "POD" Planned Office Development District, to wit:

A portion of Lot 1 of NCB 1090, a portion of one lot totaling approximately 4.18 acres located one lot north of the northeast intersection of Loop 323 SSE and Roanoke Lane (2759 McDonald Road).

**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 August 29, 2008.

PASSED AND APPROVED this the 27<sup>th</sup> day of August, A.D., 2008.

*Barbara Bass*  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

*Mary C Landers*  
MARY C LANDERS  
CITY ATTORNEY

