

ORDINANCE NO. O-2010-30

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; APPROVING THE RENEWAL OF A SPECIAL USE PERMIT TO ALLOW FOR A HOME DAY CARE FOR FIVE YEARS ON LOTS 17B AND 17C OF NCB 657, TWO LOTS TOTALING APPROXIMATELY 0.75 ACRES LOCATED WEST OF THE SOUTHWEST INTERSECTION OF MERRILL DRIVE AND EAST FIFTH STREET (1709 EAST 5TH STREET); 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 special use 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 special use is hereby approved as follows:

I. APPLICATION S04-10-002

That the following described property, which is currently zoned "R-1A", Single-Family Residential District, shall hereafter be used under a special use permit to allow for a home day care, to-wit:

Lots 17B and 17C of NCB 657, two lots totaling approximately 0.75 acres located west of the southwest intersection of Merrill Drive and East Fifth Street (1709 East 5th Street), for five years.

PART 2: 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 3: 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 30, 2010.

PASSED AND APPROVED this the 28th day of April, A.D., 2010.

Barbara Bass

BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK



APPROVED:

Gary C Landers

CITY ATTORNEY