

ORDINANCE NO. O-2016-4

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; APPROVING A SPECIAL USE PERMIT RENEWAL TO ALLOW FOR A HOME BASED MONTESSORI SCHOOL FOR AN INDEFINITIVE PERIOD OF TIME ON LOT 17B OF NCB 657, ONE LOT CONTAINING APPROXIMATELY 0.56 ACRES OF LAND LOCATED AT THE SOUTHEAST INTERSECTION OF SOUTH PALMER AVENUE AND EAST 5TH (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 S01-16-003

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 based Montessori School, to-wit:

Lot 17B of NCB 657, one lot containing approximately 0.56 acres of land located at the southeast intersection of South Palmer Avenue and East 5th Street (1709 East 5th Street), for an indefinite period of time.

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 January 29, 2015.

PASSED AND APPROVED this the 27th day of January A.D., 2016.

MH

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

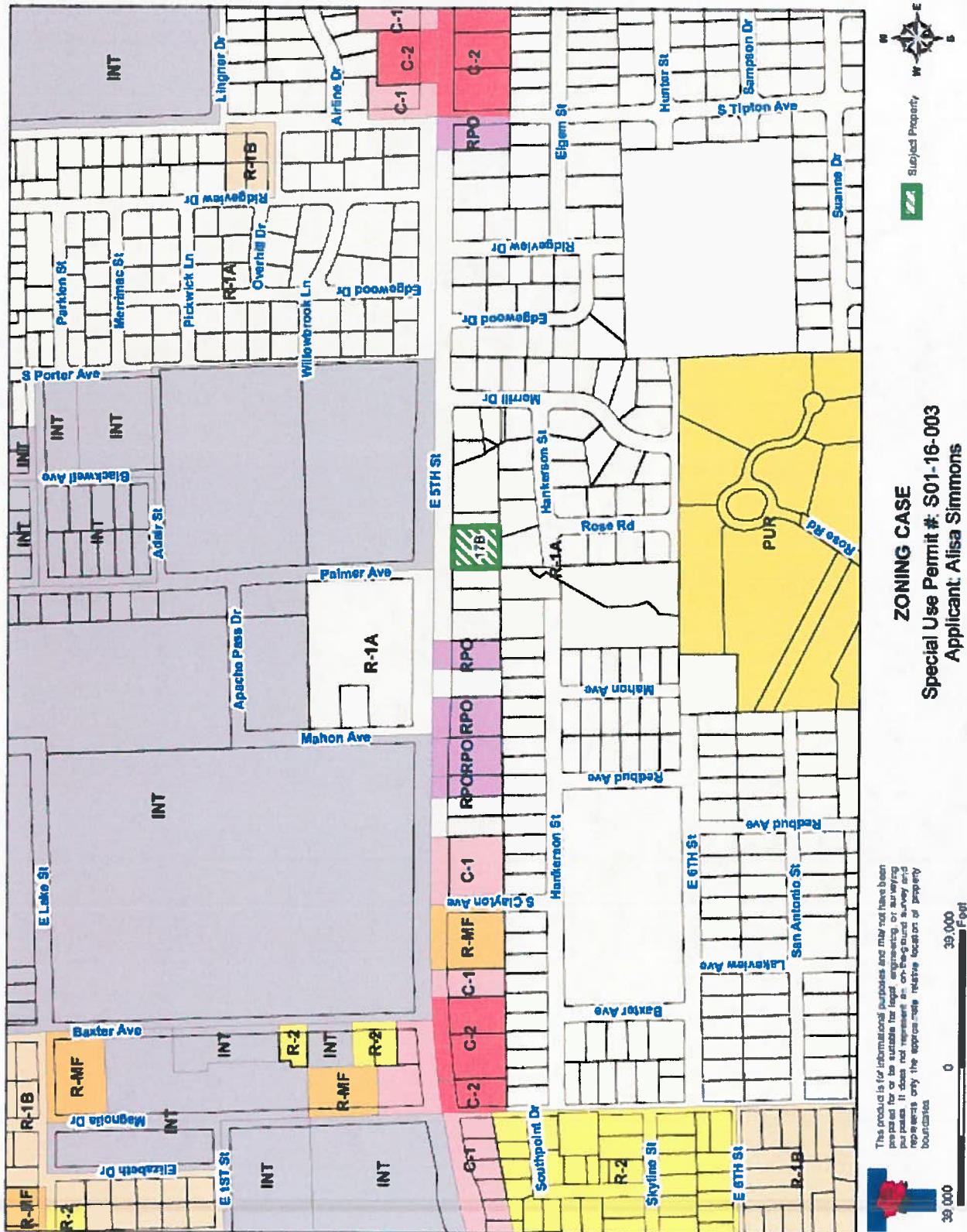
Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

APPROVED:

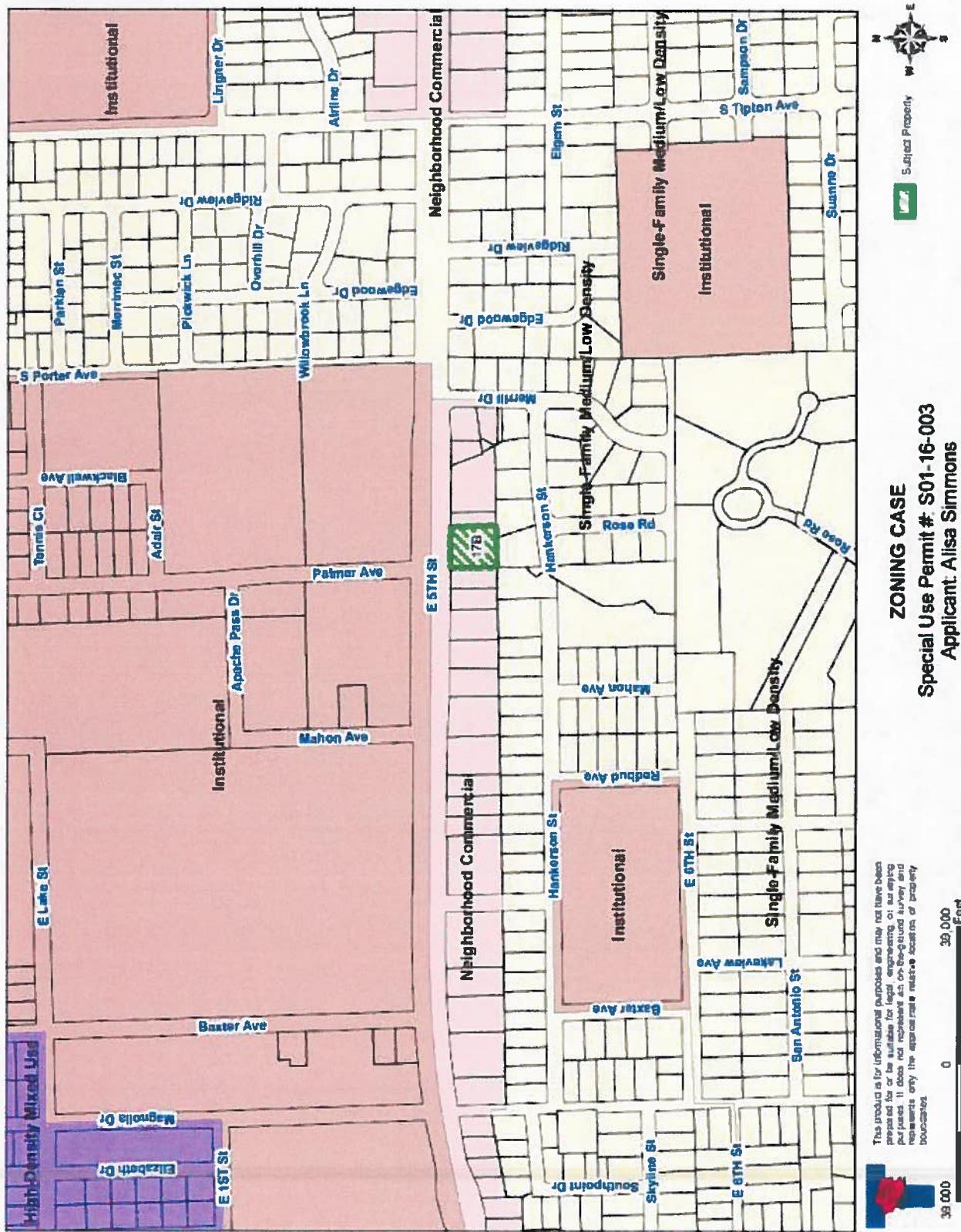
Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY



**ORDINANCE NO. O-2016-4
EXHIBIT "A"
LOCATION MAP**



ORDINANCE NO. O-2016-4
EXHIBIT "B"
TYLER 1ST FUTURE LAND USE GUIDE



ZONING CASE
Special Use Permit # S01-16-003
Applicant: Alisa Simmons

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the original map or related documents of property documented.

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**ORDINANCE NO. O-2016-4
EXHIBIT "C"
NOTIFICATION MAP**

