

**ORDINANCE NO. O-2014-57**

**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 TO GRANT A VARIANCE TO THE ALCOHOL DISTANCE REQUIREMENTS IN TYLER CITY CODE CHAPTER 10 ALLOWING FOR THE SALE OF ALCOHOLIC BEVERAGES 59 FEET FROM THE PROPERTY LINE OF A PUBLIC SCHOOL ON A PORTION OF LOT 35 OF NCB 1435 KNOWN AS SUITE NUMBER 122, AN APPROXIMATELY 0.05 ACRE PORTION OF ONE LOT CONTAINING APPROXIMATELY 8.76 ACRES OF LAND LOCATED SOUTH OF THE SOUTHWEST INTERSECTION OF SOUTH BROADWAY AVENUE AND RICE ROAD (5201 SOUTH BROADWAY AVENUE).; 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 approved 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 S07-14-012**

That the following described property, which is currently zoned "C-1", Light Commercial District and "PMXD-1", Planned Mixed Use District, shall hereafter be used under a Special Use Permit and variance for an indefinite period of time to meet the distance requirements from a public school in order to be eligible for a Texas Alcoholic Beverage Commission permit to sell alcoholic beverages, to wit:

An approximately 0.05 acre portion of Lot 35 of NCB 1435 (known as Suite #122), a portion of one lot containing approximately 8.76 acres of land located south of the southwest intersection of South Broadway Avenue and Rice Road (5201 South Broadway Avenue), as shown in the drawing attached hereto as Exhibit "A".

**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

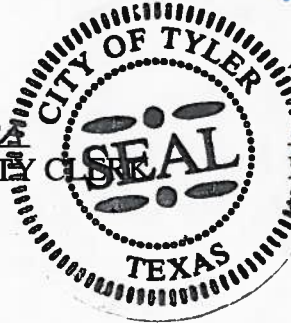
has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be July 25, 2014.

**PASSED AND APPROVED** this the 23<sup>rd</sup> day of July, A.D., 2014.

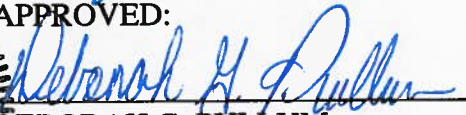
  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

  
DEBORAH G. PULLUM,  
CITY ATTORNEY

**ORDINANCE 0-2014-57**  
**EXHIBIT 'A'**

