

ORDINANCE NO. O-2013-70

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 ALLOW FOR A PLASTIC SURGERY CLINIC WITH A MAXIMUM OF FOUR BEDS FOR OVERNIGHT STAY FOR AN INDEFINITE PERIOD OF TIME ON LOT 1B OF NCB 1570G, ONE LOT CONTAINING APPROXIMATELY 1.12 ACRES OF LAND LOCATED SOUTH OF THE SOUTHEAST INTERSECTION OF OLD JACKSONVILLE HIGHWAY AND THREE LAKES PARKWAY (7220 OLD JACKSONVILLE HIGHWAY); 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 Z08-13-048

That the following described property, which is currently zoned "PMXD-1", Planned Mixed Use District, shall hereafter be used under a special use permit to allow for a plastic surgery clinic with a maximum of four beds for overnight stay, to-wit:

Lot 1B of NCB 1570G, one lot totaling approximately 1.12 acres of land located south of the southeast intersection of Old Jacksonville Highway and Three Lakes Parkway (7220 Old Jacksonville Highway), 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.

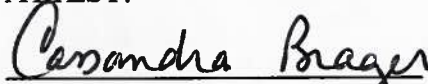
PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, 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 August 30th, 2013.

PASSED AND APPROVED this the 28th day of August, A.D., 2013.



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:



**DEBORAH G. PULLUM,
CITY ATTORNEY**

