

**ORDINANCE NO. O-2013-93**

**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 THE DEVELOPMENT AND USE OF AN ELECTRONIC GO-KART TRACK FOR AN INDEFINITE PERIOD OF TIME ON LOT 7 OF NCB 1153, ONE LOT TOTALING APPROXIMATELY 68.93 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF SOUTH BROADWAY AVENUE AND CENTENNIAL PARKWAY (9098 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 made as set forth herein;

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**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 S10-13-016**

That the following described property, which is currently zoned "PCD", Planned Commercial Development District, shall hereafter be used under a special use permit to allow for an electronic go-kart track, to-wit:

Lot 7 of NCB 1153, one lot totaling approximately 68.93 acres located at the southeast intersection of South Broadway Avenue and Centennial Parkway (9098 South Broadway Avenue), for an indefinite period of time.

**PART 2:** The Special Use Permit is restricted to the use of electric powered go-karts and associated track.

**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 October 25, 2013.

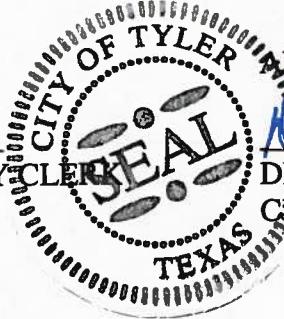
**PASSED AND APPROVED** this the 23<sup>rd</sup> day of October, A.D., 2013.

*Barbara Bass*

BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

*Deborah G. Pullum*  
DEBORAH G. PULLUM,  
CITY ATTORNEY