

**ORDINANCE NO. O-2011-37**

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; APPROVING A RENEWAL OF A SPECIAL USE PERMIT TO ALLOW FOR THE CONTINUED OPERATION OF A BED AND BREAKFAST FOR FIVE YEARS ON PROPERTY ZONED "AR", ADAPTIVE REUSE DISTRICT, ON ONE LOT CONTAINING APPROXIMATELY .40 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF BRYAN STREET AND SOUTH CHILTON AVENUE (505 SOUTH CHILTON AVE); 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 zoning change 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 permit is hereby approved as follows:

**I. APPLICATION S05-11-005**

That the following described property, which is currently zoned "AR", Adaptive Reuse District, shall hereafter be used under a special use permit to allow for the continued operation of a bed and breakfast for a period of five years, to-wit:

Lot 19 of NCB 82, one lot containing approximately 0.40 acres of land located at the southwest intersection of Bryan Street and South Chilton Avenue (505 S Chilton Ave).

**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 May 27<sup>th</sup>, 2011.

PASSED AND APPROVED this the 25<sup>TH</sup> day of May, A.D., 2011.

*Barbara Bass*

BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

A T T E S T:

*Cassandra Brager*

CASSANDRA BRAGER, CITY CLERK

APPROVED:

*Mary C Landers*

MARY C. LANDERS, CITY ATTORNEY

