

**ORDINANCE NO. O-2011-95**

**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 OPERATION OF A ONE-CHAIR BEAUTY SALON FOR A ONE YEAR PERIOD OF TIME ON PROPERTY ZONED "R-1B", SINGLE-FAMILY RESIDENTIAL DISTRICT, ON LOT 1 OF NCB 840U, ONE LOT CONTAINING APPROXIMATELY 0.28 ACRES OF LAND LOCATED AT THE NORTHWEST INTERSECTION OF MADISON STREET AND RHINEHART STREET (2501 MADISON 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 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 zone change is hereby approved as follows:

**I. APPLICATION S11-11-001**

That the following described property, which has heretofore been zoned "R-1B", Single-Family Residential District, shall hereafter be used under a special use permit to allow for the operation of a one-chair beauty salon for a one year period of time, to-wit:

Lot 1 of NCB 840U, one lot containing approximately 0.28 acres of land located at the northwest intersection of Madison Street and Rhinehart Street (2501 Madison Street), subject to the condition that the applicant provides the necessary four off-street parking spaces on an improved surface before opening for business.

**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 November 18, 2011.

PASSED AND APPROVED this the 16<sup>th</sup> day of November, 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:

*Gary C. Landers*  
GARY C. LANDERS, CITY ATTORNEY

