

**ORDINANCE NO. O-2019-25**

**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 CHILD HOME DAY CARE FOR A TWO YEAR PERIOD OF TIME ON LOTS 13B, 14A AND 15A OF NCB 312, THREE LOTS TOTALING APPROXIMATELY 0.53 ACRES OF LAND LOCATED EAST OF THE NORTHEAST INTERSECTION OF MOCKINGBIRD LANE AND VINE AVENUE (711 MOCKINGBIRD LANE); 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 S19-001**

That the following described property, which is currently zoned "R-2", Two-Family Residential District, shall hereafter be used under a special use permit to allow for a child home day care, to-wit:

Lots 13B, 14A and 15A of NCB 312, three lots totaling approximately 0.53 acres of land located east of the northeast intersection of Mockingbird Lane and Vine Avenue (711 Mockingbird Lane), for a two-year period of time, in accordance with Exhibit "A".

**PART 2:** The Special Use Permit is restricted to a child home day care for two years.

**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 April 26<sup>th</sup>, 2019.

PASSED AND APPROVED this the 24<sup>th</sup> day of April, A.D., 2019.

ATTEST:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK



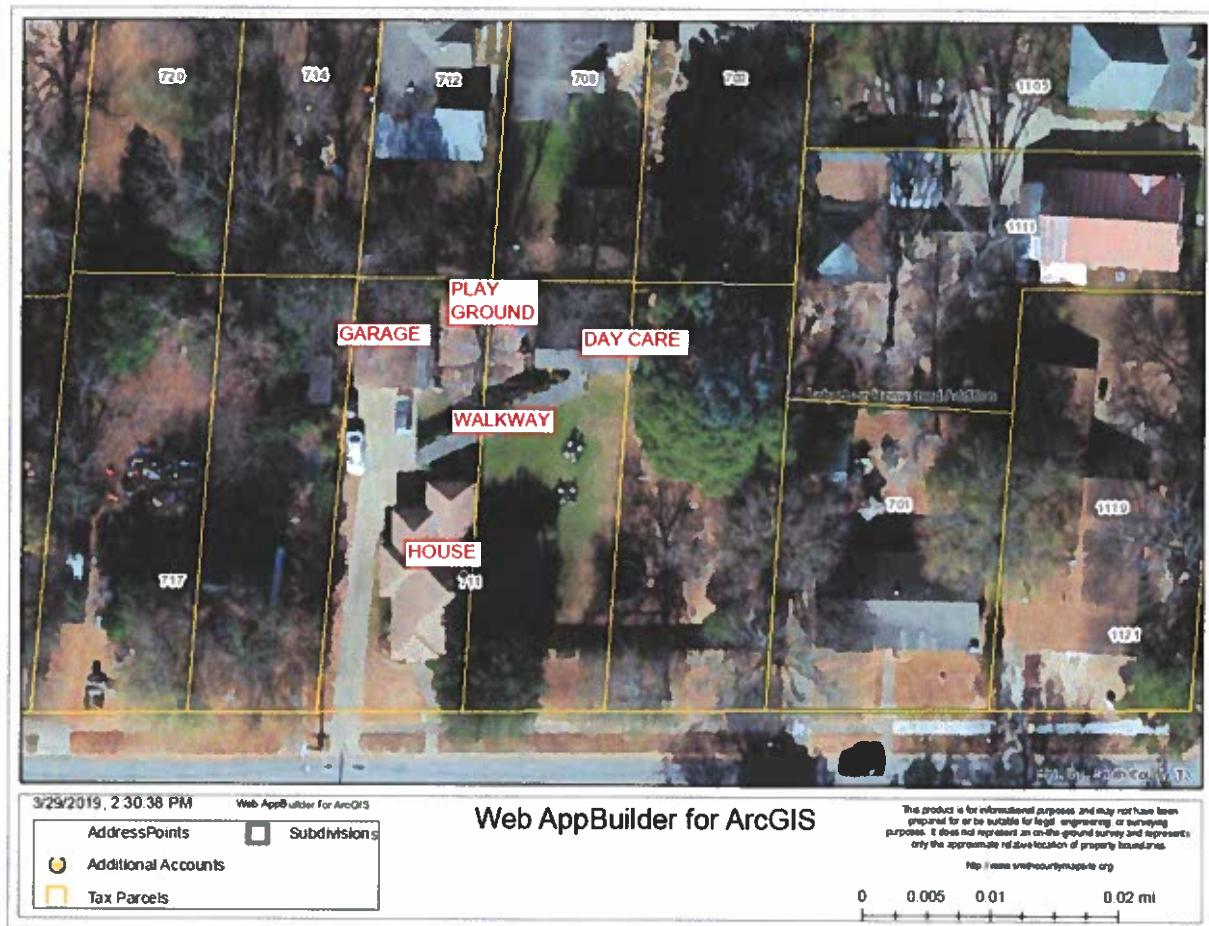
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

APPROVED:

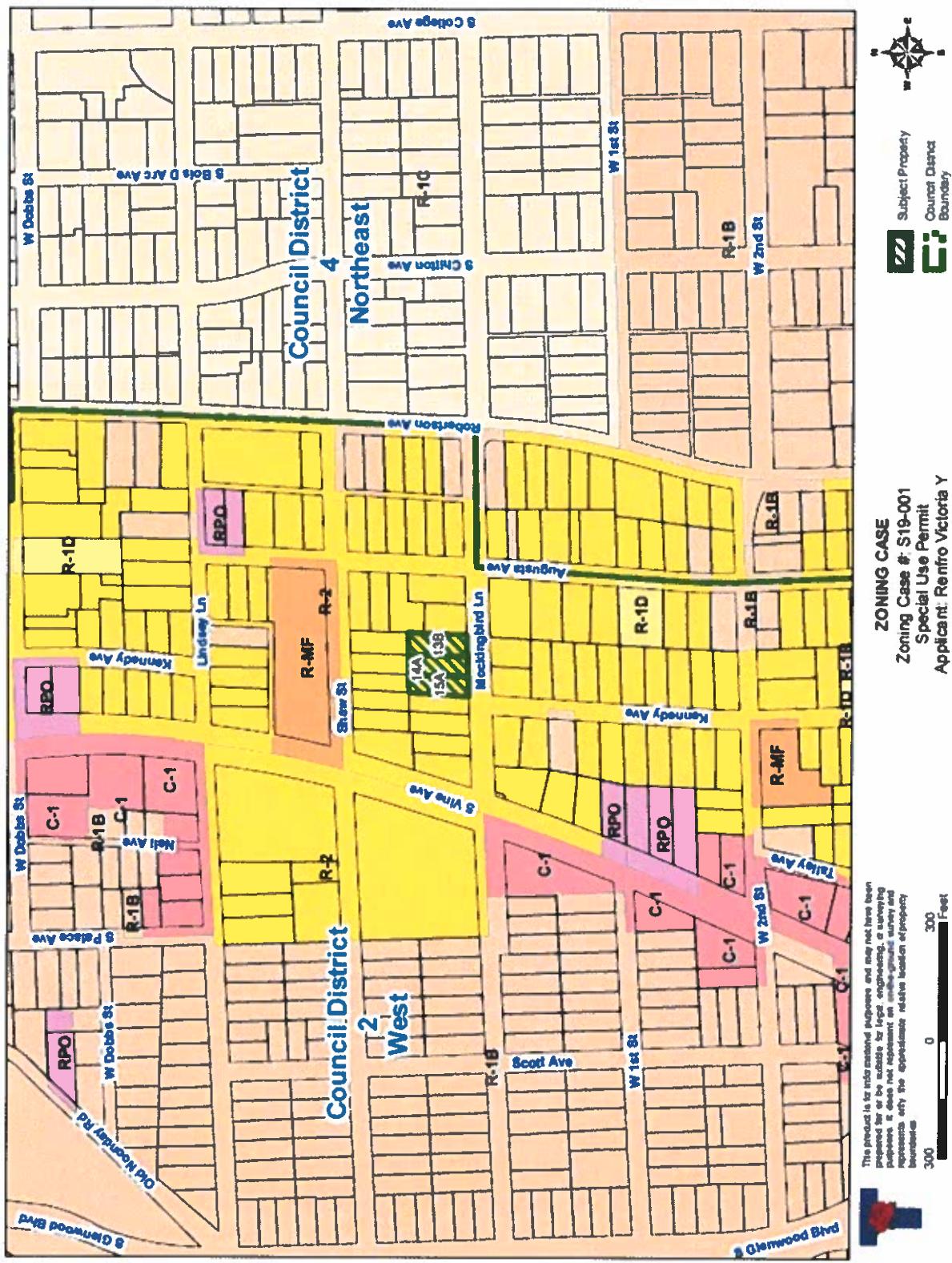
Deborah G. Pullum

DEBORAH G. PULLUM,  
CITY ATTORNEY

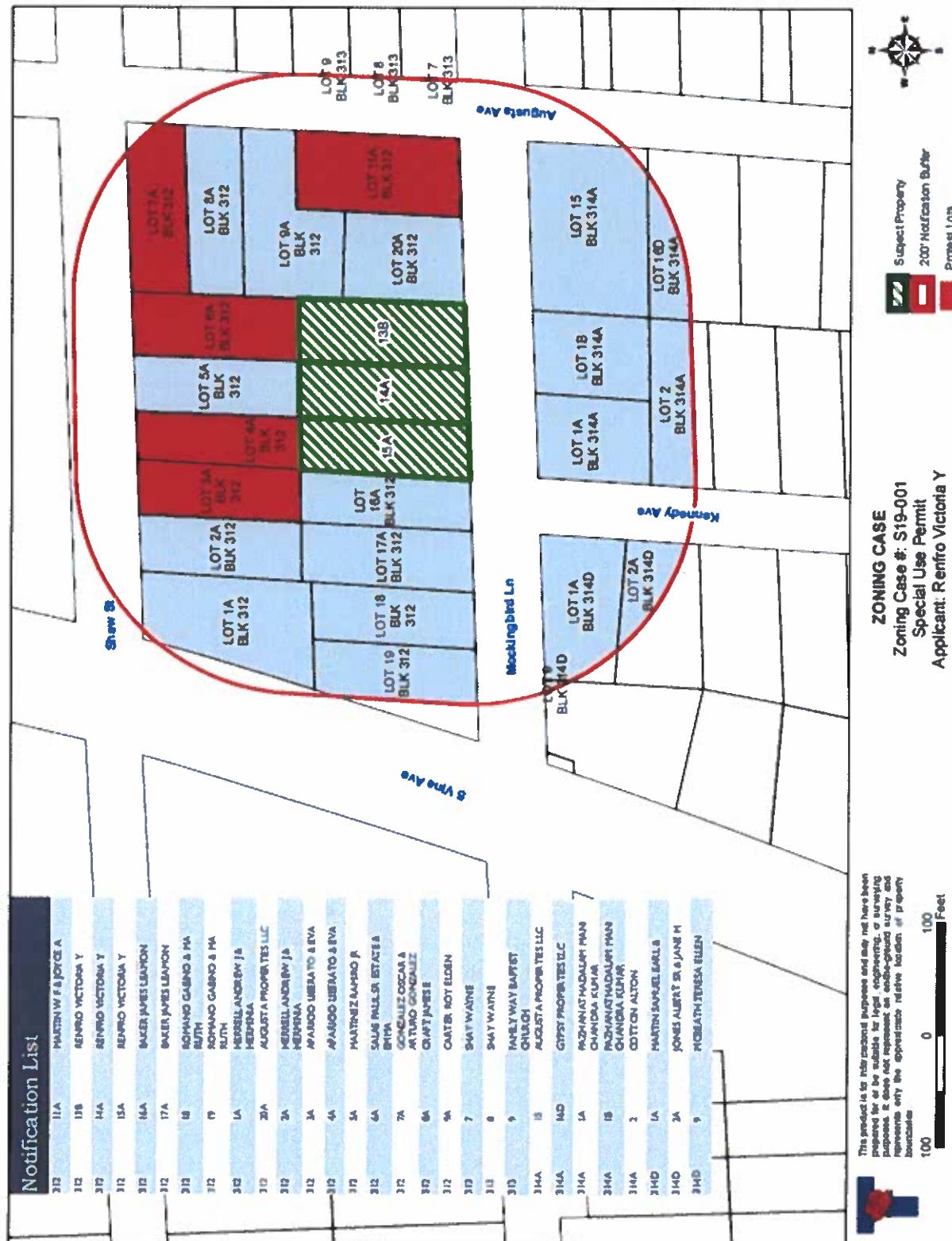
ORDINANCE NO. O-2019-25  
EXHIBIT "A"  
SITE PLAN



ORDINANCE NO. O-2019-25  
EXHIBIT "B"  
LOCATION MAP



**ORDINANCE NO. O-2019-25  
EXHIBIT "C"  
PROTEST MAP**



This product is for industrial purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an as-built-ground survey and represents only the opportunity relative location of property.

**ZONING CASE**  
Zoning Case #: S19-001  
Special Use Permit  
Applicant: Renfro Victoria Y

2000 Notification Date  
Subject property

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