

ORDINANCE NO. O-2019-47

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 DAYCARE FOR A THREE YEAR PERIOD OF TIME ON LOT 85 OF NCB 661A, ONE LOT CONTAINING APPROXIMATELY 0.17 ACRES OF LAND LOCATED NORTH OF THE NORTHEAST INTERSECTION OF WEST 2ND STREET AND BUTLER AVENUE (1302 BUTLER 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;

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 S19-004

That the following described property, which is currently zoned "R-1B", Single-Family Residential District, shall hereafter be used under a Special Use Permit to allow for a telecommunications facility, to-wit:

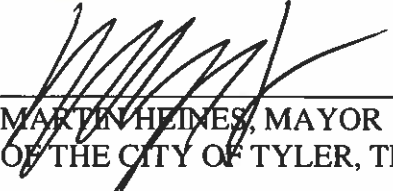
Lot 85 of NCB 661A, one lot containing approximately 0.17 acres of land located north of the northeast intersection of West 2nd Street and Butler Avenue (1302 Butler Avenue).

PART 2: The Special Use Permit is restricted to a child home daycare up to six children for a three year period of time.

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 June 28th, 2019.

PASSED AND APPROVED this the 26th day of June, A.D., 2019.



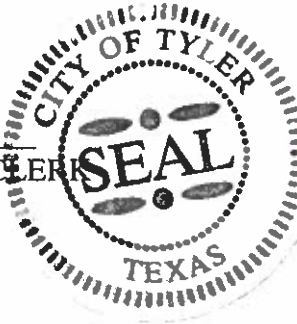
MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK





DEBORAH G. PULLUM,
CITY ATTORNEY