



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-11

**Date:** October 24, 2007

**Subject:** **APPLICATION Z09-07-100B ROBERT AND LAURA WHITE**  
**Request that the City Council consider a request to change the zoning from “C-2” General Commercial District to “R-3” Multi-Family Residential District on Lot 4 of NCB 98 of the City of Tyler Plat, one lot approximately 0.46 acres located at the northeast corner of Border Avenue and Selman Street (523 Selman Street).**

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**Item Reference:**

The applicant is proposing to rezone in order to be in conformity with the existing land use.

Section 10-213, "R-3" Multi-Family Residential District, allows as permitted uses multi-family residential units. In addition, this district allows nursing homes, retirement centers, boarding houses, and any other use incidental to typical "R-3" uses. The "R-3" Multi-Family Residential District does allow for more than one main building per lot when designed and used in combination as a multiple dwelling unit that has one ownership, one management, common parking area and central control of services. The "R-3" Multi-Family Residential District requires a minimum distance of 15 feet between all structures and requires minimum setbacks of 25 feet from all property lines. The "R-3" District has a maximum building height of two and one-half stories and 42 feet in height, which is consistent with the "R-2" Residential District. Maximum density of development in the "R-3" District is limited to no more than 20 dwelling units per acre.

All adjacent properties are zoned “C-2” General Commercial District. The area is primarily developed with multi-family houses and neighborhood commercial businesses.

The applicant attempted to acquire a building permit to remodel a partially burned residential structure utilized as a multi-family dwelling. Because residential uses are not allowed in the general commercial district, the owner must request a zone change to come into compliance with the zoning ordinance. The “R-3” Multi-Family Residential District has regulations that are more compatible with the applicant’s existing development and provides better public notice of the actual land use.

This request is consistent with the development pattern in the area and the future land use guide which identifies this area as mixed use residential.

Of the 24 notices mailed; one notice was returned in favor and no notices were returned in opposition to the request. At the September 18, 2007, Planning and Zoning meeting, no one spoke for or against the application.

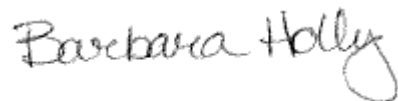
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All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed change.

**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from “C-2” General Commercial District to “R-3” Multi Family Residential District.

A handwritten signature in cursive script that reads "Barbara Holly".

**Drafted/Recommended By: Barbara Holly**

**Department Leader**

**Edited/Submitted By:**

**City Manager**





100 0 100 Feet

**ZONING CASE**

Zoning Cases #: Z09-07-100B  
 Existing Zoning: C-2 Proposed Zoning: R-3  
 Applicant: ROBERT & LAURA WHITE



Subject Property  
 200' Notification Buffer



**ORDINANCE NO. O-2007-121**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; DIRECTING THE AMENDMENT OF THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING 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 zone change is hereby approved as follows:

**I. APPLICATION Z09-07-100B**

That the following described property, which has heretofore been zoned “C-2” General Commercial District, shall hereafter bear the zoning classification of “R-3” Multi Family Residential District, to-wit:

Lot 4 of NCB 98 of the City of Tyler Plat, one lot approximately 0.46 acres located at the northeast corner of Border Avenue and Selman Street (523 Selman Street).

**PART 2:** That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning change.

**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 this ordinance shall be effective on and after its date of passage and approval by the City Council.

**PASSED AND APPROVED** this the 24<sup>th</sup> day of October, A.D., 2007.

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JOSEPH O. SEEBER, MAYOR  
OF THE CITY OF TYLER, TEXAS

A T T E S T:

APPROVED:  
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CASSANDRA BRAGER, CITY CLERK

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CITY ATTORNEY