



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-7

Date: November 28, 2007

Subject: APPLICATION Z10-07-109B CITY OF TYLER ON BEHALF OF
NUMEROUS CITIZENS – PHASE FOUR -C

Request that the City Council consider a request to change the zoning from “R-2” Two-Family Residential District to “R-1B” Single-Family Residential District for the following four lots:

Lot 12 of NCB 407 of the Whitten Hills Subdivision (1213 Whitten Avenue) and Lots 6, 7, and 8 of NCB 401 of the Edgefield Subdivision (606 West Harmony Street).

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Item Reference:

The City is offering a zoning change to bring the zoning into conformity with the current single family use.

Section 10-210, "R-1B" Single-Family Residential District, allows for the development of single family residential units, churches, public schools, and accessory buildings and uses which are incidental to the above uses, but not involved in the conduct of business. Maximum allowable building height is two and one-half stories or 42 feet in height. Setback requirements are 25 feet in the front and rear and six feet on the side. Minimum lot size is 6,000 square feet.

Generally, the adjacent properties to the north, east, south and west are zoned “R-2” Two-Family Residential District, yet most of the actual structures are single family homes. These lots are part of Phase Four of the city wide “R-2” rezoning project. In keeping with the City Council’s directive, no fees were charged.

Once the lots have the appropriate zoning, this rezoning will have a positive impact on the neighborhood by allowing the property owners to rebuild, refinance or remodel their single family home. This process is in keeping with the desired outcome of Tyler 21 – to increase the number of single family homes in North Tyler and to foster redevelopment and reinvestment in the North Tyler neighborhoods.

The recently adopted Future Land Use Guide designates these sites as Single Family and Single Family Attached and the request for “R-1B” Single Family Residential District is consistent with that land use designation.

Of the 123 notices mailed, two notices were returned in favor of application and two notices of opposition were received. Of the two letters of protest, one had no comment and the other explained that she was pleased with her “R-2” zoning and did not see a need for any change. Again, these are voluntary petitions, so no property is rezoned without the consent of the owner.

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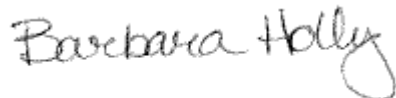
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At the October 16, 2007, Planning and Zoning Commission meeting, no one spoke in favor of or opposition to the application.

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 "R-2" Two-Family Residential District to "R-1B" Single-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



30' 0"

Applicant: CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS

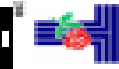
Existing Zoning: R-2
Proposed Zoning: R-1B

Zoning Cases #: 210-07-1098

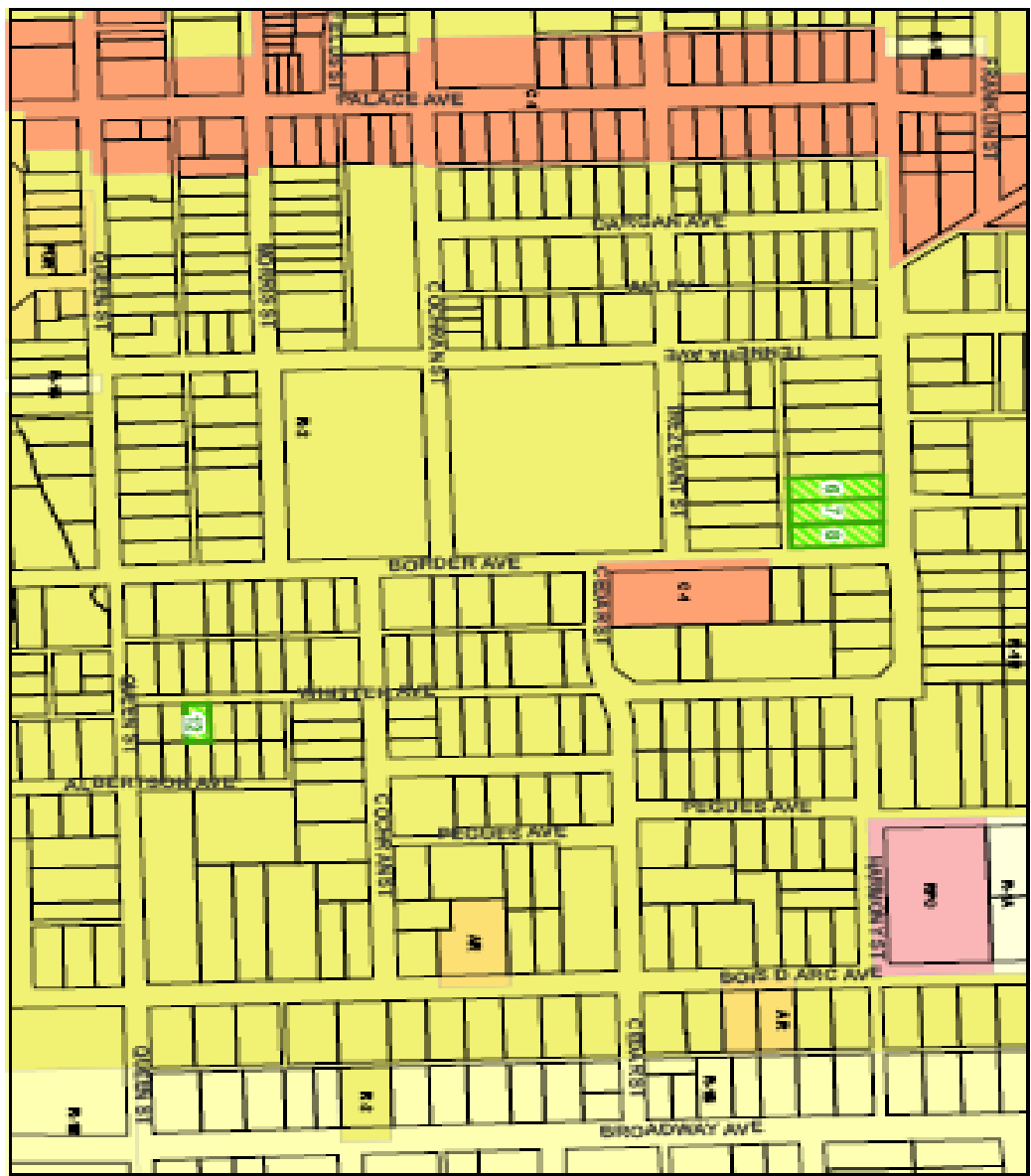
Subject Property
207 North Main Street



ZONING CASE



ZONING CASE
 Zoning Cases # 210412-0195
 Existing Zoning R-2 Proposed Zoning R-18
 Applicant: CITY OF TULSA ON BEHALF OF NUMEROUS CITIZENS



ORDINANCE NO. O-2007-138

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 changes are hereby approved as follows:

I. APPLICATION Z10-07-109B

That the following described properties, which have heretofore been zoned “R-2” Two-Family Residential District, shall hereafter bear the zoning classification of “R-1B” Single-Family Residential District, to-wit:

Lot 12 of NCB 407 of the Whitten Hills Subdivision (1213 Whitten Avenue) and Lots 6, 7, and 8 of NCB 401 of the Edgefield Subdivision (606 West Harmony 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 changes.

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 28th day of November, A.D., 2007.

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY