



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-10

**Date:** June 13, 2007

**Subject:** APPLICATION Z05-07-046B CITY OF TYLER ON BEHALF OF  
NUMEROUS CITIZENS – PHASE TWO

**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 in an area bounded by W. Erwin St. to the north, Bellwood Rd. to the south, S. Glenwood Blvd. to the east and S. Lyons Ave. to the west for the following 43 lots:**

**Lot 11 of NCB 640 of the Herndon Subdivision (1719 W. Elm St.);**

**Lots 1, 20, 23, 24 and 25 of NCB 641 of the Herndon Subdivision (201 and 229 S. Fenton Ave., 228, 232 and 222 S. Peach Ave.);**

**Lots 23 and 24 of NCB 642 of the Herndon Subdivision (315 and 319 S. Fenton Ave.);**

**Lots 1, 19, 23, 24 and 26A of NCB 643 of the Herndon Subdivision (301, 307, 327 and 333 S. Peach Ave. and 316 S. Fairmont Ave.);**

**Lot 9 of NCB 644 of the Herndon Subdivision (233 S. Peach Ave.);**

**Lots 13, 16, 21 and 22 of NCB 648 of the Herndon Subdivision (320 and 310 S. Boon Ave., 319 and 323 S. Fairmont Ave.);**

**Lots 4, 13, 14, 15, 20 and 21 of NCB 649 of Herndon Subdivision ( 313 S. Boon Ave., 320, 316 and 314 S. Bruck Ave., 2020 and 2014 W. Pine St.);**

**Lots 10 and 24 of NCB 650 of the Herndon Subdivision (232 S. Bruck Ave. and 217 S. Boon Ave.);**

**Lot 49 of NCB 666 of the Herndon Subdivision (504 McCain Drive);**

**Lots 7A, 10, 12, 19, 27A, 28, 30, 35 and 36 of NCB 666B of the Herndon Subdivision (422, 500, 508 and 534 S. Fenton Ave., 509, 505, 439, 417 and 415 S. Hill Ave.);**

**Lots 23, 30 and 31 of NCB 666C of the Herndon Subdivision (520 S. Hill Ave., 427 and 431 McCain Dr.);**

**Lots 8 and 10 of NCB 668C of the City of Tyler Subdivision (209 and 203 S. Bruck Ave.);**

**Lot 12 of NCB 668B of the City of Tyler Subdivision (220 S. Lyons Ave.) and Lot 4 of NCB 666D of the Herndon Subdivision (612 S. Fenton Ave).**

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**Item Reference:**

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

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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 of the 43 lots proposed to be rezoned are zoned "R-2" Two-Family Residential District; yet most of the structures are single family homes.

These 43 lots are in this phase of the citywide "R-2" rezoning project. These lots are bounded by W. Erwin Street to the north, Bellwood Road to the south, S. Glenwood Boulevard to the east and S. Lyons Avenue to the west.

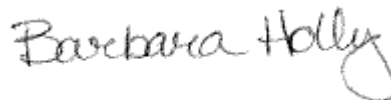
This rezoning will have a positive impact on the neighborhood by allowing the property owners to rebuild, refinance or remodel their single family homes once the lots have come into zoning compliance. This process is in keeping with the desired outcome of Tyler 21 – to increase the number of single family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

The Future Land Use Map designates this site as Low Density Residential and the request for "R-1B" Single Family Residential District is consistent with that land use designation.

Of the 214 notices mailed, 12 notices were returned in favor and four notices were returned in opposition to the application. No one spoke in favor of or in opposition to the rezoning request.

**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 for the 43 lots that requested the rezoning.



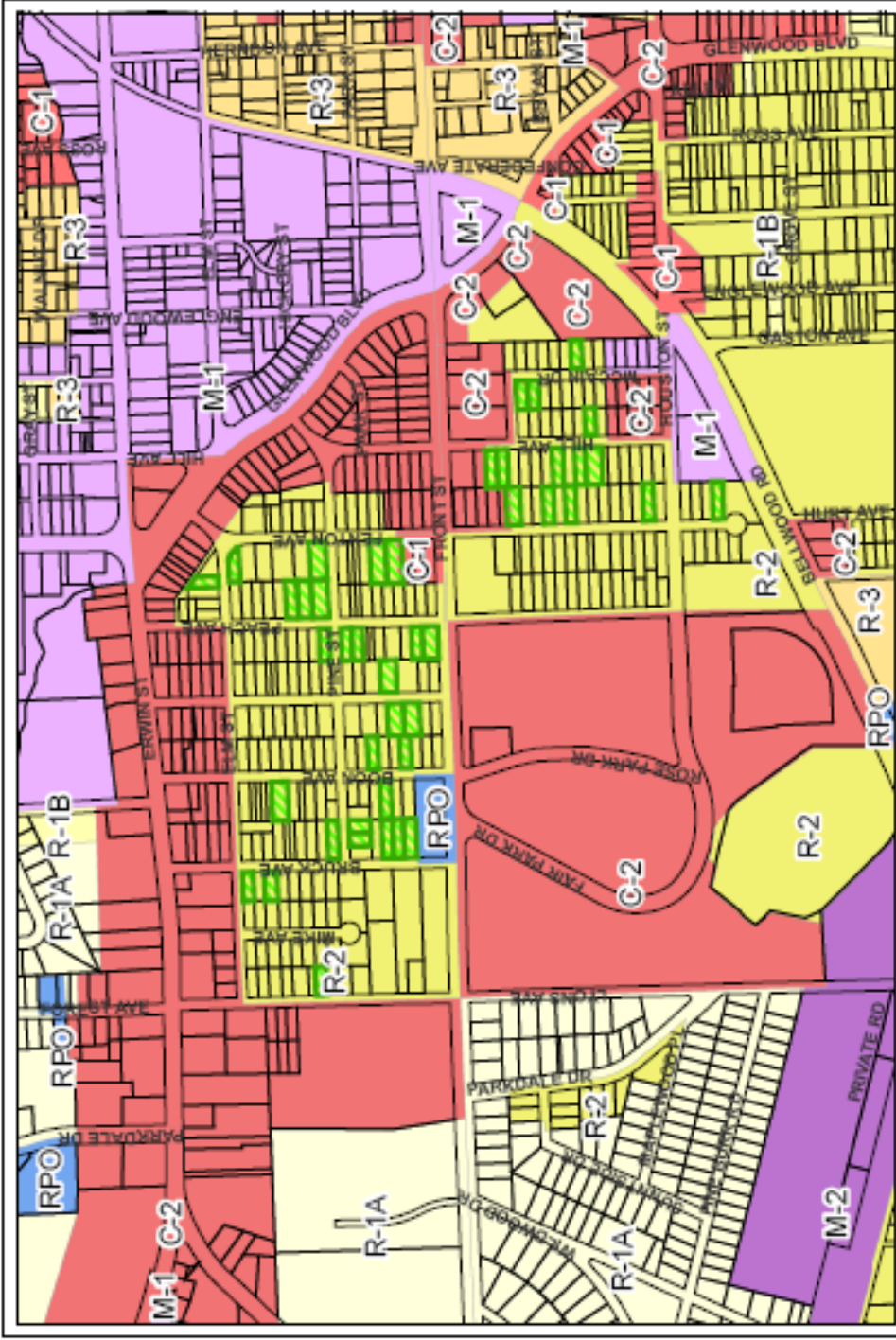
**Drafted/Recommended By: Barbara Holly**  
**Department Leader**

**Edited/Submitted By:**  
**City Manager**



**ZONING CASE**  
 Zoning Cases #: Z05-07-0488  
 Existing Zoning: R-2 Proposed Zoning: R-1B  
 Applicant: CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS





**ZONING CASE**  
 Zoning Cases #: Z05-07-0468  
 Existing Zoning: R-2 Proposed Zoning: R-1B  
 Applicant: CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS



**ORDINANCE NO. O-2007-62**

**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 Z05-07-046B**

That the following described property, which has 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 11 of NCB 640 of the Herndon Subdivision (1719 W. Elm St.);

Lots 1, 20, 23, 24 and 25 of NCB 641 of the Herndon Subdivision (201 and 229 S. Fenton Ave., 228, 232 and 222 S. Peach Ave.);

Lots 23 and 24 of NCB 642 of the Herndon Subdivision (315 and 319 S. Fenton Ave.);

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Lot 12 of NCB 668B of the City of Tyler Subdivision (220 S. Lyons Ave.) and Lot 4 of NCB 666D of the Herndon Subdivision (612 S. Fenton Ave).

**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 13<sup>th</sup> day of June, A.D., 2007.

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JOSEPH O. SEEGER, 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