



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-13

**Date:** July 25, 2007

**Subject:** APPLICATION Z06-07-057B CITY OF TYLER ON BEHALF OF  
NUMEROUS CITIZENS – PHASE TWO-A

**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 five lots:**

**Lots 12 and 14 of NCB 648 of the Herndon Subdivision (316 and 320 South Boon Avenue);**

**Lot 5 of NCB 649 of the Herndon Subdivision (317 Boon Avenue);**

**Lot 19 of NCB 666C of the Herndon Subdivision (434 South Hill Avenue); and**

**Lot 31 of NCB 666B of the Herndon Subdivision (435 South Hill Avenue).**

**Page:** 1 of 2

**Item Reference:**

The City is offering a zoning change to bring the zoning into conformity with the current use for a single family area bounded by Pine Street to the north, West Houston Street to the south, McCain Drive to the east and Bruck Avenue to the west.

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

These five lots are part of Phase Two of the citywide “R-2” rezoning project; however, the applications were not received in time to meet the public notice requirements for the initial Phase Two agenda. In keeping with the City Council’s directive, no fees were charged.

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 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.

**Agenda Number: Z-13**

**Page: 2 of 2**

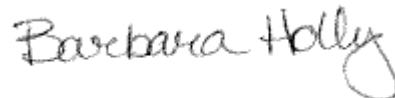
The Future Land Use Map designates this site as Low Density Residential and the request for “R-1B” Single Family Residential District is consistent with that land use designation.

On June 19, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the 57 notices mailed, four notices were returned in favor of and one notice was returned in opposition to the application. No one spoke in favor of or in opposition to the rezoning request.

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 5-0, recommends approval of the request to change the zoning from “R-2” Two-Family Residential District to “R-1B” Single-Family Residential District.

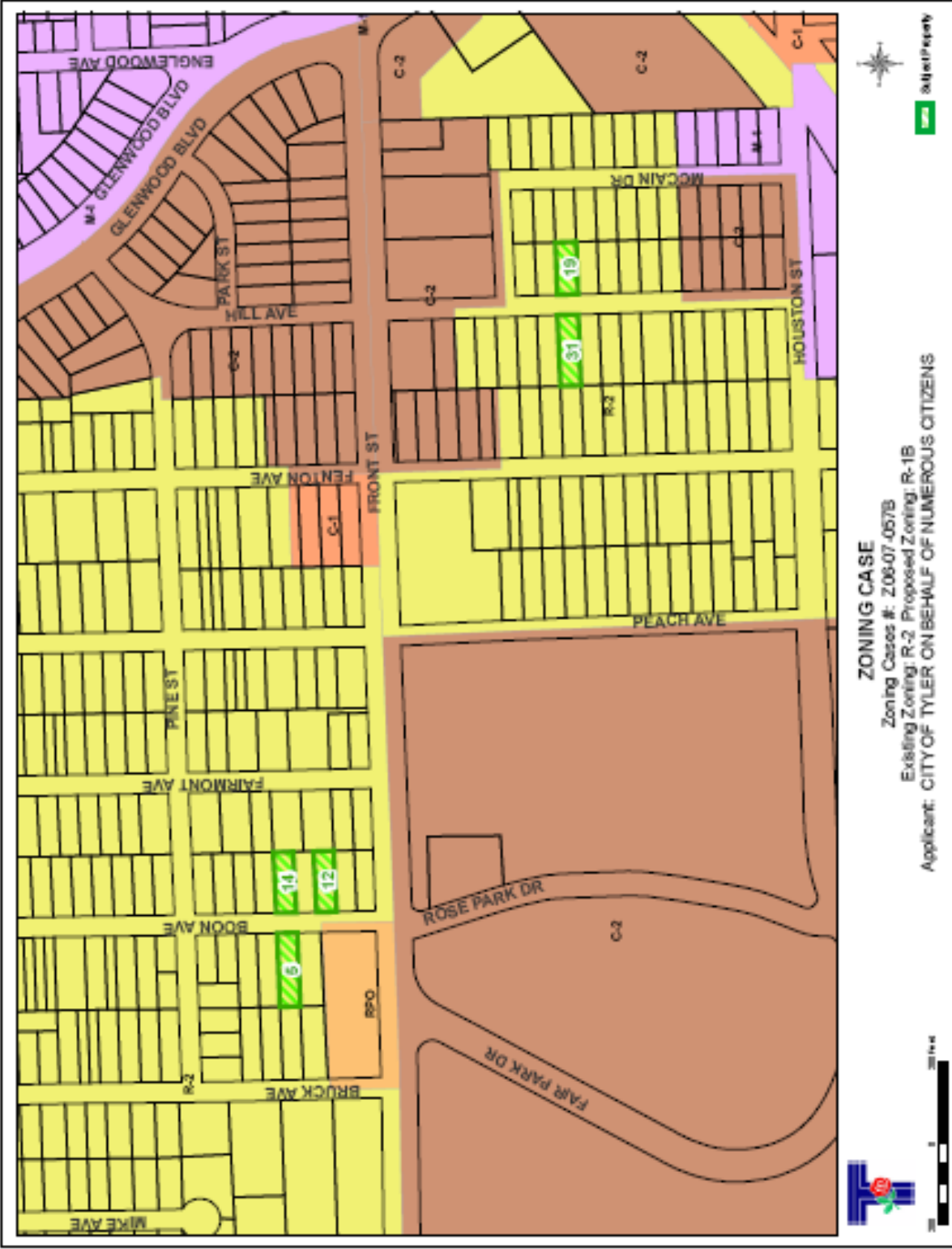


**Drafted/Recommended By: Barbara Holly**

**Department Leader**

**Edited/Submitted By:**

**City Manager**



**ZONING CASE**

Zoning Cases #: Z-08-07-0578

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

Applicant: CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS



Subject Property





**ZONING CASE**  
 Zoning Cases #: Z06-07-057B  
 Existing Zoning: R-2 Proposed Zoning: R-1B  
 Applicant: CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS




**ORDINANCE NO. O-2007-89**

**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 Z06-07-057B**

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:

Lots 12 and 14 of NCB 648 of the Herndon Subdivision (316 and 320 South Boon Avenue);  
Lot 5 of NCB 649 of the Herndon Subdivision ( 317 Boon Avenue);  
Lot 19 of NCB 666C of the Herndon Subdivision (434 South Hill Avenue); and  
Lot 31 of NCB 666B of the Herndon Subdivision (435 South Hill Avenue).

**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 25<sup>th</sup> day of July, 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