

**ORDINANCE NO. O-2014-68**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CHANGING THE ZONING FROM "R-MF", MULTI-FAMILY RESIDENTIAL DISTRICT TO "R-1D", SINGLE-FAMILY DETACHED AND ATTACHED RESIDENTIAL DISTRICT ON AN APPROXIMATELY 0.14 ACRE PORTION OF LOT 24 OF NCB 173, ONE LOT TOTALING APPROXIMATELY 0.43 ACRES OF LAND LOCATED EAST OF THE SOUTHEAST INTERSECTION OF WEST CHARNWOOD STREET AND AUGUSTA AVENUE (518 WEST CHARNWOOD STREET); DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE GUIDE; 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 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 Z08-14-056**

That the following described property, which has heretofore been zoned "R-MF", Multi-Family Residential District, shall hereafter bear the zoning classification of "R-1D", Single-Family Detached and Attached Residential District, to wit:

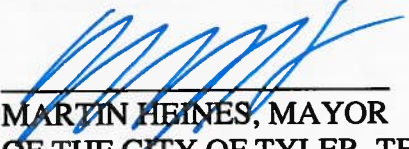
An approximately 0.14 acre portion of Lot 24 of NCB 173, one lot totaling approximately 0.43 acres of land located east of the southeast intersection of West Charnwood Street and Augusta Avenue (518 West Charnwood Street), and as shown as Lots 1A and 2A in Exhibit "A" attached hereto.

**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 and amend the Future Land Use Guide from Single-Family Medium/Low Density to Single-Family and Single-Family Attached Medium/High Density.

**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.

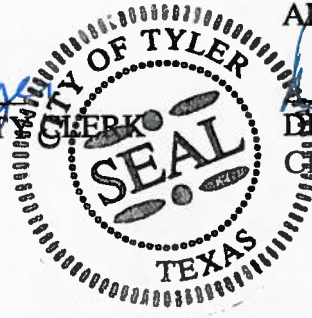
**PART 4:** That this ordinance shall be effective on and after its date of passage and approval by the City Council.

**PASSED AND APPROVED** this the 27<sup>th</sup> day of August, A.D., 2014.


  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

  
DEBORAH G. PULLUM,  
CITY ATTORNEY

# ORDINANCE NO. O-2014-68

## Exhibit "A"

**RMC**  
**SURVEYING**

13621 HWY. 110 S.  
TYLER, TX. 75707  
(903) 939-8860  
FIRM ID 10122800



METES AND BOUNDS DESCRIPTION FOR LOT 24 NEW CITY BLOCK (N.C.B.) 173, CONTAINING 0.432 OF AN ACRE OF LAND

BEING 0.432 of an acre of land situated in the J.Y. Jones Survey, Abstract 508, of Smith County, Texas and being all of that certain called 0.432 of an acre tract of land, being a part of lots 8 and 9 of N.C.B. 173 of the Taborville Addition, described as Tract 1 in a deed recorded in Instrument Number 2011-000403304 of the County Clerk's Records, and lying in the south boundary line of West Charnwood Street;

BEING 0.432 of an acre of land situated in the J.Y. Jones Survey, Abstract 508, of Smith County, Texas and being all of that certain called 0.432 of an acre tract of land, being a part of lots 8 and 9 of N.C.B. 173 of the Taborville Addition, described as Tract 1 in a deed recorded in Instrument Number 2011-000403304 of the County Clerk's Records, and lying in the south boundary line of West Charnwood Street;

THENCE East, with the south boundary line of the above mentioned road, for a distance of 60.00 feet, to a 3/4 inch iron pipe (found) for the northeast corner of the herein described tract of land, same being the northeast corner of a called 0.432 of an acre tract of land described as Lot 23 in a deed recorded in Volume 5374, Page 739 of the Smith County Deed Records;

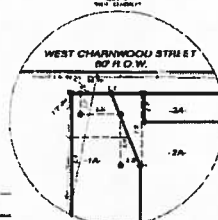
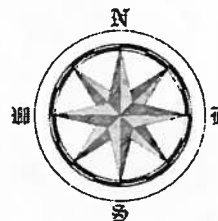
THENCE South, for a distance of 210 feet, to a 1/2 inch iron rod (found) for the southeast corner of the herein described tract, same being the southeast corner of the above mentioned 0.432 of an acre tract, and being in the north boundary line of the north 1/2 of Lot 8 of 27A described in a deed recorded in Volume 7328, Page 1071 of the Smith County Deed Records;

THENCE West, at 15.51 feet pass a 1/2 inch iron rod (found) 0.28 of a foot to the left, for the northeast corner of the above mentioned Lot 27A and continue for a total distance of 68.00 feet, to a 1/2 inch iron rod (found) for the southwest corner of the herein described tract, same being in the north boundary line of Lot 26 described in a deed recorded in Instrument Number 2012-00053504 of the County Clerk's Records of Smith County, Texas and being the southeast corner of part of Lot 8 of Taborville Addition N.C.B. 173 described in a deed recorded in Volume 3336, Page 688;

THENCE North, at 68.40 feet, pass a fence corner post 3.1 feet to the left for the fenced northeast corner of the above mentioned Lot 27A and continue for a total distance of 68.00 feet, to a 1/2 inch iron rod (found) for the northeast corner of the herein described tract, same being in the north boundary line of Lot 26 described in a deed recorded in Instrument Number 2012-00053504 of the County Clerk's Records of Smith County, Texas, at 108.86 feet pass a fence corner 1.82 feet to the left for the fenced northeast corner of the above mentioned 0.432 of an acre tract, same being the fenced southwest corner of Lot 26 described as Tract 2 in a deed recorded in Volume 5324, Page 32 of the Smith County Deed Records, at 153.10 feet pass a fence corner 2.52 feet to the left for the fenced northeast corner of the above mentioned Lot 26, same being the southeast corner of the above mentioned Lot 26, and continue for a total distance of 210.00 feet, back to the place of beginning and containing 0.432 of an acre of land.

J.Y. JONES SURVEY  
A-508

LOT 8 N.C.B. 173  
VOLUME 3336, PAGE 688  
ROBALIO AND ANGELA R PONCE



AREA	1/4 SECTION	1/2 SECTION
1A	1.25	2.50
1B	1.25	2.50
1C	1.25	2.50
1D	1.25	2.50
1E	1.25	2.50
1F	1.25	2.50
1G	1.25	2.50
1H	1.25	2.50

NOTES:  
1) EASEMENTS WERE NOT RESEARCHED BY SURVEYOR.  
2) UNDERGROUND UTILITIES WERE NOT LOCATED BY SURVEYOR.

BUILDING RESTRICTIONS  
R-10 & R-15

I, JAMES CRAWFORD, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE TRACTS OF LAND SHOWN HEREON AND DO ACCEPT THIS AS THE PLAN FOR RESUBDIVISION SAME.

JAMES CRAWFORD

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND & SEAL OF OFFICE, THIS 11 DAY OF JUNE, 2014.

NOTARY PUBLIC, STATE OF TEXAS

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES

I, JAMES CRAWFORD, DO HEREBY CERTIFY THIS PLAN TO REFLECT AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION DURING THE MONTH OF SEPTEMBER, 2003.

GIVEN UNDER MY HAND & SEAL OF OFFICE, THIS 11 DAY OF JUNE, 2014.

BY: JAMES CRAWFORD  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5984

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND & SEAL OF OFFICE, THIS 11 DAY OF JUNE, 2014.

NOTARY PUBLIC, STATE OF TEXAS

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES

APPROVED BY THE CITY PLANNING AND ZONING COMMISSION, CITY OF TYLER, SMITH COUNTY, TEXAS, THIS DAY OF 2014.

CHAIRMAN

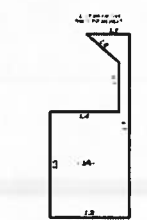
ATTEND

SECRETARY

DATE

SUBDIVISION PLAT  
SHOWING  
A PART OF THE  
J.Y. JONES SURVEY A-508  
SMITH COUNTY, TEXAS

AREA	1/4 SECTION	1/2 SECTION
1A	1.25	2.50
1B	1.25	2.50
1C	1.25	2.50
1D	1.25	2.50
1E	1.25	2.50
1F	1.25	2.50
1G	1.25	2.50
1H	1.25	2.50



AREA	1/4 SECTION	1/2 SECTION
1A	1.25	2.50
1B	1.25	2.50
1C	1.25	2.50
1D	1.25	2.50
1E	1.25	2.50
1F	1.25	2.50
1G	1.25	2.50
1H	1.25	2.50