

ORDINANCE NO. O-2014-97

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 10, "TYLER UNIFIED DEVELOPMENT CODE", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, TO AMEND REGULATIONS RELATING TO ZONING DISTRICTS, USE REGULATIONS, DEVELOPMENT STANDARDS, AND DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; and

WHEREAS, Section 1 of the Tyler City Charter states that the City may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether express or implied, shall be exercised and enforced, in the manner prescribed by the Charter, and when not prescribed by the Charter, in such manner as shall be provided by ordinances and resolutions of the City Council; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, the powers granted to municipalities under Texas Local Government Code Chapter 211, Subchapter A., are for the purpose of promoting the public health, safety, morals, and general welfare, as well as preserving places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, Texas Local Government Code Section 211.003(a)(5) authorizes the governing body of a municipality to regulate the location and use of buildings, or structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, Texas Local Government Code Section 211.007(a) authorizes a zoning commission to recommend boundaries for the original zoning districts, and appropriate regulations for each district; and

WHEREAS, Texas Local Government Code Section 212.002 states that after a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and

WHEREAS, Texas Local Government Code Section 212.003(a) provides that the governing body of a municipality may by ordinance extend to the extraterritorial jurisdiction of the municipality the application of the municipal ordinance prescribing rules governing plats and subdivisions of land; and

WHEREAS, Texas Transportation Code Section 311.001(a) provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, on April 23, 2008, the City Council adopted Ordinance No. 0-2008-48, which amended Tyler City Code Chapter 10 by adopting the Unified Development Code governing zoning, subdivision, development and other land use regulations; and

WHEREAS, it is important to amend and update existing sections of the Unified Development Code; and

WHEREAS, the appointed UDC Steering Committee reconvened to review and recommend proposed changes to the Unified Development Code; and

WHEREAS, major recommended substantive amendments to the Unified Development Code were presented to the Developers Roundtable;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article II., "Zoning Districts", Division A., "Residential Districts", is hereby amended by amending the table in Section 10-23 to read as follows:

Table 10-23. Dimensional Standards for Residential Districts

Residential Districts	RE	R-1A	R-1B	R-1C	R-1D	R-2	R-MF	R-MH	PUR	PXR	PMF
Minimum lot area (sq. ft.)	43,560	9,000	6,000	6,000	3000	7,500	12,500	6,000		2,700	
Minimum lot area per unit (sq. ft.)	43,560	9,000	6,000	6,000	3000	3,750	2,100	6,000		2,700	
Minimum street frontage (ft.)	50	35	35	35	35	35	45	35	25	25	25
Minimum frontage (ft.) to private way										25	25
Setbacks											
Front *	50	25	25	25	25	25	25	25		25	
Rear	50	25	25	25	15	25	25	10		15	
Side interior	12.5	7.5	6	6	0	6	25	10		7.5	
Side, corner	25	12	12	12	12	12	12	15	12	12	25
District boundary								25			
Maximum lot coverage (%)	30	50	50	50	60		50			60	
Maximum height (ft.)	42	42	42	42	42	42	50[1]	18	42	42	
Building separation (ft.)							15	20			15
Minimum per dwelling unit (sq. ft.)							300[2]				300
Minimum width (ft.)							15				15
Maximum slope (%)					10		10				10

(Ord. No. 0-2010-20; 3/10/10) (Ord. No. 0-2010-119; 11/10/10) (Ord. No. 0-2011-45; 6/8/11) (Ord. No. 0-2014-32, 10/22/14)

* See section 10-92 for reduced front setbacks for alley loaded parking.

[1] Buildings allowed to exceed stated maximum height if front, side and rear setback are increased at least one foot (above minimum setbacks) for each one foot of additional building height (above stated maximum).

[2] The following elements may be designated as usable open space in the PUR, PXR, and PMF districts: pools, tennis courts, walkways, patios, open air gazebos and pavilions, and covered or underground easements. The following elements may not be included in the calculation of usable open space: enclosed buildings, street and alley rights of way or easements, driveways, parking areas, or drainage channels.

[3] The following elements may not be included in the calculation of usable open space in the PXR district streets and alley rights-of-way or easements, individually platted lots without open space easements, private yards, and patios. One-third of the total open space requirement in the PXR district may be provided off site if approved on the site plan. A Homeowners Association (HOA) is required to improve, operate, and maintain all jointly owned open spaces, recreational areas and buildings, service and parking areas. (Ord. 0-2010-20, 3/10/10) (Ord. No. 0-2010-119; 11/10/10) (Ord. No. 0-2014-32, 10/22/14)

PART 2: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article II., "Zoning Districts", Division B., "Commercial and Mixed Use Districts", is hereby amended by amending the table in Section 10-27 to read as follows:

Table 10-27. Dimensional Standards for Commercial and Industrial Districts

Commercial and Industrial Districts	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	M-1	M-2
Minimum lot area (square feet)	7,000	14,000	2,500	5 acres c d	5 acres c d	a	15,000	15,000
Minimum frontage (feet)	70	80	25	a	a	a	80	80
Minimum building sep. (same lot)	15	15	0	a	a	a	15	15
Maximum height (feet)	42	45		55	165	e	45'+ 1'/ addl 1' setback	45'+ 1'/ addl 1' setback
Minimum height or story	1	1	25 ft	25 ft	25 ft	a	na	na
Maximum height (stories)	2.5		20	5	15	a	na	na
Minimum setbacks								
Front yard setback	10	10	0	a	a	a	10	10
Rear yard setback	10 b	10 b	0 b	a b	a b	a b	25 b	25 b
Adjacent to R district (rear)	25 b	25 b	0 b	a b	a b	a b	25 b	25 b
Adjacent to R district (side)	10 b	10 b	b	b	b	b	25 b	25 b
Side yard setback, interior	0 b	0 b	0 b	a b	a b	a b	0 b	0 b
Side yard setback, corner	15	15	0	a	a	a	15	15
Maximum lot coverage (%)	60	60	f	a	a	a	50	60

- a. Determined by the developer and subject to approval by the planning and zoning commission and city council as part of the site development plan.
- b. See Article VI, Division B for bufferyard requirements which are part of the setback.
- c. Recommended; total development area for a PMXD-1 or PMXD-2 may be fewer than 5 acres subject to approval by the planning and zoning commission and city council as part of the site development plan.
- d. Exceptions to the 5-acre minimum: 1) projects smaller than five acres that are considered to be a phase or extension of an existing mixed use development and 2) single buildings or a building complex in which a mix of two or more land uses is proposed (e.g., condominiums and retail stores). (Ord. No. 0-2009-19; 3/11/09) (Ord. No. 0-2011-45; 6/8/11)
- e. Maximum height is 45 feet plus 1 foot additional for each additional foot beyond a 10 feet setback when abutting a non-residential district and a 25 feet setback when abutting a residential district.
- f. 100% building coverage is allowed, however, all parking lots must reserve 15% of the total parking area for landscaping. See Section 10-295 for landscape area requirements. (Ord. No. 0-2012-38; 4/25/12) (Ord. No. 0-2014-8; 1/22/14) (Ord. No. 0-2014-32, 10/22/14)

PART 3: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article II., "Zoning Districts", Division D., "Overlay and Special Purpose Districts", is hereby amended by amending the table in Section 10-34 to read as follows:

Table 10-34. Dimensional Standards for Overlay and Special Purpose Districts

Overlay and Special Districts	AG	AR	RPO	MU-O	INT	OSP	CC-O	HD-O
Minimum lot area (square feet)	1 acre	7,000	7,000	0	5 acres (for entire campus)	1 acre	Base zone applies	Base zone applies
Minimum street frontage (feet)	35	35	35	0	200		a	
Minimum building sep. (same lot)	0	15	25	0	15		a	
Maximum height (feet)	42	42	42	N/A		35	a	
Adjacent to Residential Districts			42	42	42+1' / addl 1' setback	--	42+1' / addl 1' setback	
Adjacent to All Other Districts			60 + 1' / addl 1' front & rear setback	N/A	120 + 1' / addl 1' front & rear setback	--	120 + 1' / addl 1' front & rear setback	
Maximum height (stories)	2.5	2.5	2.5	N/A			a	
Setbacks							a	
Front yard setback	25 res; 100 livestock 50 poultry	25	10	0	25	15		
Rear yard setback	25 res; 100 livestock 50 poultry	25	10	0	10			
Side yard setback, interior	7.5 res only	6	6; 25 for multi-bldg complex	0	5	--		
Side yard setback, corner	12 res only	12	12	0	12			
Adjacent to R district (rear)			25 & b	10	25		25	
Adjacent to R district (side)			B	10	25		25	
Adjacent ROW (side or rear)			B	10	25		25	
Maximum lot coverage (%)	35	60	60	100	60	25		

(Ord. No. 0-2012-83; 10/10/12) (Ord. No. 0-2014-32, 10/22/14)

a. Determined by the developer and subject to approval by the planning and zoning commission and city council as part of the site development plan.

b. See Article VI, Division B for bufferyard requirements.

PART 4: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article III., "Use Regulations", Division A., "Use Table Overview", is hereby amended by amending the Table in Section 10-48 by amending the Section related to Residential, Household Living, Two-Family Duplex, by adding to the "R-2" Category a new reference to "Permitted Uses" to read as follows, and the date of adoption at the bottom of the Table, with no other changes to the Table:

Sec. 10-48. Residential District Use Table

USE GROUP

Use Category *Use Sub-Category*
Specific Uses

R-2

RESIDENTIAL

Household Living

Single-Family Residential Detached

X

Single-Family Residential Attached (Townhouse) (Rowhouse)

X

(Ord. No. 0-2011-45; 6/8/2011) (Ord. No. 0-2012-38, 4/25/12) (Ord. No. 0-2014-33; 4/23/14)
(Ord. No. 0-2014-32, 10/22/14)

PART 5: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article III., "Use Regulations", Division C., "Limited and Specific Use Standards", is hereby amended by amending Section 10-63 to read as follows:

Sec. 10-63 Single-Family Attached and Multi-Family Residential Districts

a. Open Space Requirements

1. through 2. No changes...

3. Pools, tennis courts, walkways, patios, and similar amenities may be located within areas designated as useable open space. Covered or underground easements with useable open space may be included as part of the recommended open space. Areas occupied by enclosed buildings (except gazebos and pavilions), street and alley rights-of-way and/or easements, driveways, parking and drainage channels may not be included in calculating useable open space. (Ord. No. 0-2014-32, 10/22/14)

4. through 5. No changes...

PART 6: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division A., "Subdivisions", is hereby amended by amending Section 10-102 to read as follows:

Sec. 10-102. General Requirements for Public Improvements

a. through b. No changes...

c. Adequate Public Facilities Policy

1. Access

All platted lots must have safe and reliable access for daily use and emergency purposes.

(a) Safe and reliable access to platted lots must be provided via an improved public street, private street, or an approved private way, and connected by improved public streets to an improved public thoroughfare. (Ord. No. 0-2014-32; 10/22/14)

(b) No changes...

2. through 4. No changes...

PART 7: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division B., "Lot and Block Design Standards", is hereby amended by amending Section 10-111 to read as follows:

Sec. 10-111. Driveways

Driveway access must be provided to buildings on the lots from an approved street, alley, or private way. (Ord. No. 0-2014-32; 10/22/14)

PART 8 That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article V., "Streets and Thoroughfares", Division B., "Street Design Standards", is hereby amended by amending Section 10-169 to read as follows:

Sec. 10-169. Street Names and Signs

- a. through c. No changes...
- d. Private ways will follow the same standards as street names and signs, but the suffix for the name shall be restricted to Way. In addition, any new street designations shall not use the suffix Way. (Ord. No. 0-2014-32; 10/22/14)

PART 9 That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article V., "Streets and Thoroughfares", Division D., "Private Streets, Alleys and Drives", is hereby amended by amending Sections 10-200, 10-202, 10-203, 10-204, 10-205, 10-207, 10-208, 10-211, 10-217, and 10-218 to read as follows:

Division D.

Private Streets, Alleys, Ways, and Driveways

Subdivisions may be developed with private streets, alleys, and ways instead of public streets and alleys if the development complies with the requirements of this section and the subdivision has received zoning approval for a private street development. The term private street will be inclusive of alleys. Variances to these requirements will not be permitted. (Ord. No. 0-2014-32; 10/22/14)

Sec. 10-200. Design and Construction Standards

- a. **Private Streets and Alleys**
Private streets must conform to the same standards regulating the design and construction of public streets. These standards include, but are not limited to, the following:
 - 1. Minimum pavement width of private streets will be 28 feet measured from face of curb to face of curb.
 - 2. Design Guidelines for Subdivision Improvements; and
 - 3. Street naming requirements in Sec. 10-169. (Ord. No. 0-2014-32; 10/22/14)
- b. **Private Ways**
Private ways must conform to the same standards regulating the design and construction of fire apparatus access routes in accordance with the currently adopted version of the International Fire Code. (Ord. No. 0-2014-32; 10/22/14)

Sec. 10-201. Streets Excluded

- a. Streets shown on the master street plan of the transportation element of the comprehensive plan may not be used, maintained, or constructed as private streets or ways.
- b. The planning and zoning commission may deny the creation of any other private street or way if, in its judgment, the private street or way would negatively affect traffic circulation on public streets or impair access to property either on-site or off-site to the subdivision, impair access to or from public facilities including schools and parks, or delay the response time of emergency vehicles. (Ord. No. 0-2014-32 ; 10/22/14)

Sec. 10-202. Homeowner's Associations Required

- a. General Requirements
 1. Subdivisions developed with private streets, alleys and/or ways are required to have a homeowner's association which must own and will be responsible for the maintenance of access and appurtenances. All owners of property served by the private access must be members of the homeowner's association.
 2. The homeowner's association must have the direct responsibility to provide for the operation and maintenance of all common areas and facilities, including private access and sidewalks, which are a part of the enclave subdivision. (Ord. No. 0-2014-32 ; 10/22/14)
- b. 1 through 4. No changes...

Sec. 10-203. Private Street Lot and Easement

- a. Private streets, alleys and ways must be constructed within a separate lot owned by the home owners association. This lot must conform to the Design Guidelines for Subdivision Improvements. (Ord. No. 0-2014-32; 10/22/14)
- b. No changes...

Sec. 10-204. Construction and Maintenance Cost

The city will not pay for any portion of the cost of constructing or maintaining a private street, alley or way. (Ord. No. 0-2014-32; 10/22/14)

Sec. 10-205. City Utilities

Water facilities placed within a private street, alley or way must be installed in conformance with Chapter 19 of the Tyler City Code. Sewer and drainage facilities placed within a private street, alley or way must be installed in conformance with the Design Guidelines for Subdivision Improvements. All such facilities must be dedicated to the city prior to final approval. (Ord. No. 0-2014-32; 10/22/14)

Sec. 10-207. Access Restrictions

The entrances to all private streets and ways must be marked with a sign stating that it is a private street or way. Guard houses, access control gates, and cross arms may be constructed. All restricted access entrances must be in compliance with Article IV, Division C. If the association fails to maintain reliable access as required to provide city services, the city may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. (Ord. No. 0-2014-32; 10/22/14)

Sec. 10-208. Petition to Convert to Public Streets

A property owner's association may request the city accept private streets and alleys and the associated property as public streets and right-of-way. However, in no event will the city be obligated to accept said streets and alleys as public. Should the city elect to accept the streets and alleys as public, it may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the city's acceptance of the streets and alleys. The city will be the sole judge of whether repairs are needed. The city may also require, at the association's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot.

Private ways, as they are not constructed to public street standards, are not eligible for petition to convert to public maintenance. (Ord. No. 0-2014-32; 10/22/14)

Sec. 10-211. Private Driveways

- a. through e. No changes...
- f. Number of Driveways per Parcel
 - 1. Through 2. No changes...
 - 3. Additional driveways may be allowed, subject to approval by the development services engineer if they are shared access driveways, or shared access easements are provided. (Ord. No. 0-2014-32; 10/22/14)
- g. through h. No changes...

Sec. 10-217. Minor Driveways

In addition to the following requirements, minor driveways on state highways must comply with the Texas Department of Transportation Management Manual and any other applicable state and federal laws. (Ord. No. 0-2006-70; 8/9/06)

- a. through d. No changes...
- e. Minor Driveway Standards
 - 1. through 2. No changes...
 - 3. Attached single-family and multiple-family dwellings should be served by a common access driveway whenever possible and curb cuts must be minimized. (Ord. No. 0-2014-32; 10/22/14)
 - 4. No changes...

Sec. 10-218. Major Driveways

In addition to the following requirements, major driveways on state highways must comply with the Texas Department of Transportation Management Manual and any other applicable state and federal laws. (Ord. No. 0-2006-70; 8/9/06)

- a. No changes...

b. Measurement of Width on Angled Driveways

The width of a driveway will be measured at right angles to the center line of the driveway at the right-of-way line. (Ord. No. 0-2014-32; 10/22/14)

c. through e. No changes...

f. Major Driveway Standards

The following standards apply to all major driveways providing ingress or egress to an arterial or collector street as identified in the Master Street Plan.

1. Except in DBAC, PMXD-1, and PMXD-2, off-street parking spaces must be arranged so that no vehicle will back directly onto a street or primary access aisle in a shopping center. All private parking areas and circulation driveways must be located off of the street right-of-way. Divisional islands and curbs must be constructed where necessary to provide such protection. (Ord. No. 0-2014-32; 10/22/14)
2. through 6. No changes...

PART 10: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article VI., "Development Standards", Division "A" "Landscaping and Tree Preservation", is hereby amended by amending Section 10-301 to read as follows:

Sec. 10-301. Tree Preservation Requirements

a. through b. No changes...

c. Existing and Approved Right-of-Way, Shared Access Easements, and Public Easements

3. All construction and maintenance activity within existing or approved (as shown on an approved preliminary plat) public right-of-way, shared access easements, or easements are exempt from the requirements for tree protection and replacement specified herein. (Ord. No. 0-2014-32; 10/22/14)

d. through f. No changes...

PART 11: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article VI., "Development Standards", Division "D" "Screening", is hereby amended by amending Section 10-340 to read as follows:

Sec. 10-340. Trash Enclosures

All Dumpsters and other similar trash containers must meet the following standards for placement on a site, screening, and screening materials:

a. through b. No changes...

c. Located at 25 feet outside the rear setback when abutting RE, R-1A, R-1B, R-1C, R-1D, R-2, PUR, and PXR-zoned properties. (Ord. No. 0-2014-32; 10/22/14)

d. through i. No changes...

PART 12: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article VI., "Development Standards", Division "G" "Parking Design and Construction Standards", is hereby amended by amending Sections 10-387 and 10-389 to read as follows:

Sec. 10-387. Off-Street Loading Requirements

- a. through c. No changes...
- d. Day Care and School Loading Requirements
 - 1. Child day care centers, kindergartens, day schools and similar child care and training establishments, must provide loading and unloading space on an approved private driveway, off-street, sufficient in length to accommodate one motor vehicle per 10 children or students being cared for or enrolled at the establishment. (Ord. No. 0-2014-32; 10/22/14)
 - 2. No changes...

Sec. 10-389. Drive-Through Stacking Requirements

- a. through d. No changes...
- e. Setbacks and Landscaping
 - 1. Service points and stacking lanes on lots abutting RE, R-1A, R-1B, R-1C, R-1D, R-2, PUR, and PXR-zoning districts must be set back at least 80 feet and landscaped in accordance with the "B" buffer yard standards of Sec. 10-322. (Ord. No. 0-2014-32; 10/22/14)
 - 2. through 3. No changes...
- f. through i. No changes...

PART 13: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article VI., "Development Standards", Division H., "Sign and Billboard Regulations", is hereby amended by amending Section 10-430 to read as follows:

Sec. 10-430. Billboards

Billboards and similar outdoor advertising are allowed in M-1 and M-2 districts in the city and commercial properties in the ETJ provided the billboard meets all federal, state, and city requirements.

- a. through e. No changes...
- f. Billboard Cap and Reduce

The number of billboards in the City and ETJ is limited to the number of such signs in existence on April 24, 2008. To encourage the reduction of billboards, the owner of a sign that was lawfully erected in compliance with all standards then in effect or lawfully in place at the time it was annexed into the City, or that owner's designee, may be awarded credit for removing such sign. (Ord. No. 0-2014-32; 10/22/14)

 - 1. Through 5. No changes...

PART 14: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article VII., "Environmental Regulations", Division E., "Erosion and Sedimentation Control", is hereby amended by amending Section 10-526 to read as follows:

Sec. 10-526. Erosion and Sediment Control Plan

The development service engineer is designated to administer and implement the provisions of this code. (Ord. No. 0-99-19; 2/24/99)

a. No changes...

b. Design requirements shall comply with the requirements of the State of Texas TPDES Permit TXR 15000.

c. No changes... (Ord. No. 0-2014-32; 10/22/14)

PART 15: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article VIII., "Development Approval Procedures", Division A., "General/Common Procedures", is hereby amended by amending the table in Section 10-590 to read as follows, with no other changes:

Table 10-590 Summary of Review Authority

Application Or Permit	Flood Plain Administrator	Building Official	Development Services Engineer / Traffic Engineer	Planning Director	Historic Preservation Com-mission	Construction Board of Adjustment & Appeals	Zoning Board of Adjustment (ZBA)	Planning Commission	City Council	Division
Building Official										
Sign Permit		R/D							A*	Article IX., Div. D
City Council										
Annexation				R				{R}	{D}	Article X., Div. A
Broadcasting/Comm. Towers (SUP)				R				{R}	{D}/{A}	Article III., Div. C
Certificate of Appropriateness				R	R				{D}	Article XI., Div. B
Designation of Historic Landmark				R	R				{D}	Article XI., Div. A
Master Street Plan Amendment				R				{R}	{D}/{A}	Article V., Div. A
Special Use Permit				R				{R}	{D}/{A}	Article IX., Div. A
Tax Abatement for Historic Landmark				R	R				{D}	Article XI., Div. C
UDC Text Amendment				R				{R}	{D}	Article VIII., Div. B
Thoroughfare Closure/Street Name Change				R				{R}	{D}	Article V., Div. F
Zoning Map Amendment (Rezoning)				R				{R}	{D}	Article VIII., Div. C
Development Services Engineer										
Grading Permit			R/D			{A}				Article IX.,

Application Or Permit	Flood Plain Administrator	Building Official	Development Services Engineer / Traffic Engineer	Planning Director	Historic Preservation Commission	Construction Board of Adjustment & Appeals	Zoning Board of Adjustment (ZBA)	Planning Commission	City Council	Division
										Div. C
Sidewalk License			R/D						{A}*	Article V., Div. E
Development Services Engineer/Traffic Engineer										
Private Driveway Permit/Variance/ Appeals			R/D						{A}*	Article V., Div. D
R = Review or Recommendation D = Decision A = Appeal { } = Decision following a Public Hearing *Except as noted in the relevant Ordinance Section										

(Ord. No. 0-2014-32; 10/22/14)

PART 16: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article XIII., "Definitions", is hereby amended by amending, adding and locating the following definitions in the appropriate alphabetical order:

Article VIII. Definitions.

Division A. Definitions.

Frontage

The distance along a property line which is also the right-of-way line of a dedicated street or approved private street or way. (Ord. No. 0-2014-32; 10/22/14)

Lot, Open Space

A lot that may provide space only for greenbelts, landscape, and recreational uses. Lot must have frontage. Lot must be designated as unbuildable and dedicated as "open space" on the plat. Documented maintenance agreement by a Homeowners Association (HOA) is required. (Ord. No. 0-2014-32; 10/22/14)

Private Way

An officially approved, privately maintained access constructed in accordance with the currently adopted version of the International Fire Code, open to irrevocable access, serving two or more lots as their primary means of access. (Ord. No. 0-2014-32; 10/22/14)

PART 17: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 18: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by

Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be October 24, 2014.

PASSED AND APPROVED this 22nd day of October, A.D, 2014.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



STEVE M. KEAN, DEPUTY CITY ATTORNEY

