

ORDINANCE NO. O-2023-111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6, "BUILDINGS AND STRUCTURES; ARTICLE I., "BUILDING CODE", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY UPDATING CERTAIN REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL SITE PLANS TO INCLUDE DIGITAL DRAWINGS, AND MAKING OTHER CLEAN-UP CHANGES; 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 not in conflict with Federal or State law to promote the health, safety and 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 local 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 local self-government; 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 of Tyler 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 all nuisances and causes thereof; 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 expressed or implied, shall be exercised and enforced, in the manner prescribed by the Charter, or when not prescribed in the Charter, in such manner as shall be provided by ordinances or 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 the 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, 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 the 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, City Code Chapter 6 contains miscellaneous provisions related to building and structures; and

WHEREAS, it is important to update certain Site Plan requirements;

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

PART 1: That Tyler City Code Chapter 6, "Buildings and Structures", Article I., "Building Code", is hereby amended to read as follows:

Sec. 6-11. Site Plan requirements.

a. In this section, a residential lot is a lot developed or to be developed with either a single-family housing unit or a duplex. Site Plans submitted to the Building Official for a residential lot shall include:

1. Lot and block number;
2. Platted boundaries of the lot;
3. Exterior dimensions of lot drawn to scale;
4. Street address;
5. Zoning classification;
6. All setbacks;
7. All easements on the lot;
8. Location of curbs, storm sewers, adjacent street and public right-of-way lines, dimensions and locations of driveways, and edge of roadway;

9. Finished floor elevations and location of any designated floodplains or floodways within the boundaries of the lots;

10. Location of all drainage swales and berms on the lot and arrows showing the direction of the drainage flow on the lot;

11. Name, address, and phone number of the individuals responsible for the project;
12. The Plan shall be digital and shall be drawn to scale in the scale shown;
13. Door and window schedule;
14. Floor plans drawn to scale with all required doors and windows properly sized;
15. The following retaining walls shall be designed and sealed by a Professional Engineer licensed to practice in the State of Texas:
 - a. Any retaining wall(s) that supports a building, driveway or other permanent construction or imposed load that is located closer to the wall than one and one-half (1 ½) times the exposed height of the wall.
 - b. Any retaining wall equal to or greater than four (4) feet high when measured from final grade to the top of the wall.
 - c. A series of two or more walls built in tiers shall be considered a single wall in height when the base of the upper tier is set back from the base of the lower tier less than one and one-half (1 ½) times the height of the exposed wall height below.
16. Digital drawings shall be submitted to the Building Services Department.

b. In this section, a commercial project includes multifamily residential developments larger than duplex. Site Plans submitted to the Building Official for commercial projects shall include:

1. Lot and block number;
2. Platted boundaries of the lot;
3. Exterior dimensions of lot drawn to scale;
4. Street address;
5. Zoning classification;
6. All setbacks;
7. Total number and location of off-street parking spaces provided;
8. Garbage dumpster location with a concrete pad;
9. Total area of lot and building;
10. All easements on the lot;
11. Location of curbs, on-premise signs, light-poles, adjacent street and public right-of-way lines, dimensions and locations of driveways, edge of roadway and parking layout, and location of storm sewer drainage systems;
12. A grading, drainage and erosion control plan with all pertinent topographic information on lot and surrounding lands;
13. Finished floor elevations;
14. Topographic contours taken from City GIS data, ground survey data or any other City approved contour data source;
15. Location of any designated floodplains or floodways within the boundaries of the lots;
16. Name, address, and phone number of the individuals responsible for the project;
17. Digital Site Plans shall be submitted to the Building Services Department. The Plans shall be drawn to scale in the scale shown;
18. Plans for all buildings with twenty-four (24) feet or more of clear span or five thousand (5,000) square feet shall be sealed with a registered engineer's seal;
19. The following retaining walls shall be designed and sealed by a Professional Engineer licensed to practice in the State of Texas:

- a. Any retaining wall(s) that supports a building, driveway or other permanent construction or imposed load that is located closer to the wall than one and one-half (1 ½) times the exposed height of the wall.
- b. Any retaining wall equal to or greater than four (4) feet high when measured from final grade to the top of the wall.
- c. A series of two or more walls built in tiers shall be considered a single wall in height when the base of the upper tier is set back from the base of the lower tier less than one and one-half (1 ½) times the height of the exposed wall height below.

20. Specify type of construction based on the current edition of the Building Code;

- 21. Elevation drawings indicating structure height;
- 22. Foundation drawings including beam and footing specifications;
- 23. Fire walls and draft stopping;
- 24. Location of building sprinkler and stand pipe systems, including fire flow requirements, location of building exits and exit lights, occupancy use, boiler rooms and heating system areas, fire alarm system, and fire hydrants;
- 25. Fire lane locations and markings;
- 26. All existing or planned utilities on the lot, including sanitary sewer manholes, fire hydrants, and size and location of service lines.

(Ord. No. 0-97-29, 6-18-97) (Ord. No. 0-98-31, 4/15/98) (Ord. No. 0-2000-90, 11/No. 0-24; 3/24/21) (Ord. No. 0-2023-111; 10/25/23)

PART 2: 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 3: 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 Friday, October 27, 2023.

PASSED AND APPROVED this the 25th day of October, A.D., 2023.



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



APPROVED:

Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY