

ORDINANCE NO. O-2023-115

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, BY CLASSIFYING NEW LAND USES, AMENDING USE REGULATIONS RELATED TO TOBACCO/VAPE/SMOKE STORES, AUTO/MOTORCYCLE REPAIR, TIRE SALES, SELF-STORAGE FACILITIES AND BAIL BONDS, AND BY REVISING AND ADDING 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 by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of certain municipal ordinances adopted under Texas Local Government Code Section 212.002 and other municipal ordinances relating to access to public roads or the pumping, extraction and use of groundwater by persons other than retail public utilities, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health; 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, under Texas Transportation Code Section 311.004, home-rule municipalities have certain authority over sidewalks; 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, the Unified Development Code in City Code Chapter 10 has been amended and updated from time to time; and

WHEREAS, on August 24, 2023, the Unified Development Code Review Committee reviewed these proposed amendments; and

WHEREAS, on August 31, 2023, the Mainstreet Board reviewed these proposed amendments; and

WHEREAS, on December 5, 2023, the Planning and Zoning Commission reviewed these proposed amendments and voted to recommend approval to the City Council;

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 III., "Use Regulations", Division A., "Use Table Overview", is hereby amended by amending following portion of the Table in Section 10-49 to read as follows, with no other changes to the Table:

Sec. 10-49. Nonresidential District Use Table

USE GROUP Use Category Use Sub-Category Specific Uses	AG	AR	RPO	POD	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	Use Standards
RESIDENTIAL																
Household Living																
Single-Family Residential Detached	X	X														
Single-Family Residential Attached (Townhouse) (Rowhouse)							X	X	X							
Manufactured Home	S															
Model Home (Temporary)	X															
Modular Housing	X															
R.V. Park	S					S								X		
Security Office Quarters (Manufactured Home)						S					S	S	S			
Multi-Family (Apartment) (Condominium)							X	X	X							
Second Story Loft/Studio Apartment					X		X									
Group Living																
Assisted Living					X	X	X	P	P	P	X					
Skilled Nursing Home/Rehabilitation					X	X	X	P	P	P	X					
Rehab and Recovery Facility (Alcoholic/Narcotic)					S	X	X	X		P	X					
Community Residence (6 or fewer residents)	X	X					S	S	S							
Community Residence (7 or more residents)							S	S	S							
Crisis Center	S				X	X		P	P	P		X				
Halfway House					S	S		S	S	S	S	S				

USE GROUP

 Use Category Use Sub-Category
 Specific Uses

 Use
 Standards

	AG	AR	RPO	POD	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	
Homeless Day Resource Facility							S					S	S			
Rescue Mission/Home					S	S	S	S	S							
PUBLIC/CIVIC																
Correctional/Detention Facility							S	S				S	S			
Cultural Facilities and Libraries		X	X	P	X	X	X	P		P	X	X		X		
Hospital							X	S			X					
Parks and Open Space	X													X		
Amphitheater							X	P		P				X	S	
Animal Park	X						X	P						X	S	
Concerts, Fairs, Festivals					T	T	T	T	T		T			X	T	
Fairgrounds/Exhibition (Permanent)						X						X	X	X		
Golf Course	X	X	X	P	X	X	X	P	P	P	X	X	X	X	X	
Public/Private Park	X	X	X	P	X	X	X	P	P	P	X			X	X	
Rose Field (Municipal)	X													X	X	
Zoo	S					S						S	S	X	S	
Passenger Terminals															X	
Airfields, Airports, Landing Strips						S				S		S	S	X		
Bus Station/Terminal/Depot						X	X	P		P		X	X	X		
Heliport, Helistop Unlimited						S				S		S	S	X		
Heliport, Limited						S	S	S		S	S	S	S	X		
Public Assembly																
Community Center					X	X	X	P	P	P	X	X	X	X		
Convention Facilities (Public or Private)					S	X	X	S	S	S		X	X	X		
Stadium (Public or Private)						X	X	S	S	S		X	X	X		
Public Facilities																
Post Office	X	X	X	P	X	X	X	P	P	P	X	X	X	X	X	
Public Safety (Police/Fire)	X	X	X	P	X	X	X	P	P	P	X	X	X	X		
Major Utilities	X	S	S	S	S	S	S	S	P	P	S	S	S	X	S	
Minor Utilities	X	X	X	P	X	X	X	P	P	P	X	X	X	X	X	
Religious Assembly																
Church, Temple, Synagogue, Mosque	X	X	X	P	X	X	X	P	P	P	X	X	X	X	X	
Church Activity/Recreational Center	X	X	X	P	X	X	X	P	P	P	X	X	X	X	X	
Revival (Outdoor)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
School																
College, University, or Seminary							X				X					
College Dorm on Campus											X					
College Fraternity/Sorority House											X					
Elementary School		X	X	P	X	X	X	P	P	P	X					
School Student/Activity Center/Field (Public)	X	X	X	P	X	X	X	P	P	P	X	X	X		X	
Secondary School		X	X	P	X	X	X	P	P	P	X					
Pre-School/Kindergarten		X	X	P	X	X	X	P	P	P	X					
COMMERCIAL																
Agriculture																
Stables	X													X	X	
Farming																
Cattle Pens	X														S	
Dairy Farm	X														S	
Farm/Farmland-Crop Production	X											X			S	
Feed Lot	X												X	X		
Fish Pond	X					X				P		X	X	X		
Fruit/Nut Orchard	X											X			S	
Grain Storage Elevator	X												X		S	
Greenhouse, Plant Nursery	X					X	S	P	P	P		X	X		X	
Livestock	X											X			S	

USE GROUP

Use Category Use Sub-Category

Specific Uses

Use Standards

	AG	AR	RPO	POD	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	
Livestock Auction Facility	X														S	
Livestock Exhibition	T					T									T	
Poultry Production	X														S	
Tree Farm	X													X	S	
Animal Services																
Kennel (Commercial)						X	X	P	P	P		X	X			
Pet Grooming (No Overnight Stay)		X			X	X	X	P	P	P		X				
Pet Shop (No Outdoor Pens)					X	X	X	P	P	P		X				
Pet Shop (Outdoor Pens)						X		P	P	P		X				
Veterinary Clinic (No Outdoor Pens)			S	P	X	X	X	P	P	P						
Veterinary Clinic (Outdoor Pens)						X		P	P	P						
Banks & Financial Services																
Automatic Teller Machine (ATM)			S	X	P	X	X	P	P	P	X	X	X	X		
Bank					X	X	X	P	P	P						
Credit Union/Bureau			X	P	X	X	X	P	P	P	X					
Pawn Brokerage Shop						X				P		X				
Savings & Loan					X	X	X	P	P	P						
Bail Bonds						X	S					X	X			
Construction Sales and Service																
Bldg. Material/Home Supply Store						X	X	P	P	P		X				
Bldg. Material/Home Supply Str.(W/ Outdoor Storage)						X		P	P	P		X				
Cabinet/Woodwork Shop (Repair Only)						X		P	P	P		X	X			
Contractor's Shop/Storage Yard						S		S	S	P		X	X			
Electrical Plumbing, A/C Heat (Wholesale)						S		P	P	P		X	X			
Lumber/Building Materials Sales Yard						X		P		P		X	X			
Eating and Drinking Establishments																
Bakery (Retail)			X	P	X	X	X	P	P	P						
Cafe, Coffee Shop, Tea Room			X	P	X	X	X	P	P	P				X		
Commissary					X	X	X	P	P	P		X	X			
Delicatessen					X	X	X	P	P	P	X			X		
Donut Shop					X	X	X	P	P	P				X		
Food Truck Park, Minor					S	X	X	P	P	P		X	X			
Food Truck Park, Major					S	S	S	S	S	S		S	S			
Ice Cream Parlor (With or W/out Drive-Thru)					X	X	X	P	P	P						
Private Club			X	P	X	X	X	P	P	P	X	X				
Restaurant (With or W/out Drive-Thru)					X	X	X	P	P	P		X		X		
Entertainment																
Indoor																
Club/Social Organization	S				X	X	X	P	P	P		X		X		
Concert, Facility					X	X	X	P	P	P	X	X	X	X		
Country Club (Private)	S				X	X		P	P	P		X	X			
Dance Hall, Nightclub, Disco					X	X	X	P	P	P		X	X			
Theater, Playhouse		S			X	X	X	P	P	P		X		X		
Theater-Cinema					X	X	X	P	P	P		X				
Outdoor																
Amphitheater					S	X	S	S	S	S		S	S	X	S	
Carnivals/Circuses					T	T	T	T	T	T	T	T	T	T		
Concert Facility					S	X	S	S	S	S	S	S	S	X	S	
Concert, Outdoor (Temporary)	T															Subject to noise ordinance
Race Track (Horse/Dog)	S											S	S			
Race Track (Motorized)												S	S			

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 Use
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	AG	AR	RPO	POD	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	
Recreational Field	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
Rodeo Grounds	S											S	S	S	S	
Theater, Drive-In						X	X	S	S	S		X	X			
Funeral and Interment Service																
Cemetery, Mausoleum (Per State Law: No new cemeteries allowed within city limits.)	X	X	X	P	X	X	X	P	P	P	X	X	X	X	X	
Columbarium	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Monument Sales Lot						X		S	S	P		X	X			
Mortuary/Funeral Home/Crematory						X	X	S	S	P		X				
Gas Station																
					X	X	X	S	S	P		X	X			
Lodging																
Bed & Breakfast			S	S	P	X	X	X	P	P	P					
Campground	S															
Hotel, Motel, Resort						X	X	P	P	P	S					
Medical, Dental, or Optical																
Dentist's Office (3 maximum)			X	X	P	X	X	X	P	P	P	X				
Dentist's Office (4 or more)						X	X	X	P	P	P	X				
Pharmacy (Apothecary)			X	P	X	X	X	P	P	P	P	X				
Physician's Office (3 maximum)			X	X	P	X	X	X	P	P	P	X				
Physician's Office (4 or more)						X	X	X	P	P	P	X				
Psychologist Office (3 maximum)			X	X	P	X	X	X	P	P	P	X				
Psychologist Office (4 or more)						X	X	X	P	P	P	X				
Optometrist's Office (3 maximum)			X	X	P	X	X	X	P	P	P	X				
Optometrist's Office (4 or more)						X	X	X	P	P	P	X				
Laboratory, Medical				X	P	X	X	X	P	P	P	X				
Office																
Abstract Office			X	X	P	X	X	X	P	P	P		X			
Accounting Office			X	X	P	X	X	X	P	P	P		X			
Advertising/Public Relations Agency			X	X	P	X	X	X	P	P	P		X			
Architect's, Engineer's, Planner's Office			X	X	P	X	X	X	P	P	P		X			
Attorney's Office			X	X	P	X	X	X	P	P	P		X			
Collection Agency				X	P	X	X	X	P	P	P		X			
Data Processing Service			X	X	P	X	X	X	P	P	P	X	X			
Employment Agency				X	P	X	X	X	P	P	P		X			
Geologist/Land Man Office			X	X	P	X	X	X	P	P	P		X			
Insurance Office			X	X	P	X	X	X	P	P	P		X			
Laboratory, Research						X	X	X	P	P	P	X	X			
Answering Service Office			X	X	P	X	X	X	P	P	P	X	X			
Photocopy/Fax Service Facility				X	P	X	X	X	P	P	P	X	X			
Print Shop						X	X	X	P	P	P		X			
Protection Service Office			X	X	P	X	X	X	P	P	P		X			
Stocks & Bonds Brokerage Office			X	X	P	X	X	X	P	P	P		X			
Studio (Broadcasting/ Recording)						X	X	X	P	P	P		X			
Tax Consultant/Financial Office			X	X	P	X	X	X	P	P	P		X			
Utility Company Office						X	X	X	P	P	P		X			
Office Park																
				X	P	X	X	X	P	P	P		X			
Parking Garage/Lot (Commercial)																
						X	X	P	P	P	X	X	X			
Personal and Consumer Service																
Art Studio, Instructional or Gallery			X	X	P	X	X	X	P	P	P	X			X	
Barber/Beauty Shop (Commercial)				X	P	X	X	X	P	P	P		X			
Barber/Beauty Shop (Maximum 2 Chairs)			X	X	P	X	X	X	P	P	P		X			
Barber/Beauty Shop One-Chair (Residential)	S															
Business, Professional School						X	X	X	P	P	P	X	X	X		
Catering Service			X	X	P	X	X	X	P	P	P				X	

USE GROUP

 Use Category Use Sub-Category
 Specific Uses

 Use
 Standards

	AG	AR	RPO	POD	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	
Cleaning/Laundry Pick-Up Station					X	X	X	P	P	P		X				
Community Health/Welfare Center					X	X	X	P	P	P						
Day Care At Home (Adults) maximum 6	S															
Day Care At Home (Children) maximum 6	S															
Day Care Center (Adults or Children)				P	X	X	X	P	P	P	X					
Framing Shop		X	X	P	X	X	X	P	P	P		X				
Handicraft, Ceramic, Art Workshop		X	X	P	X	X	X	P	P	P		X				
Home Occupation	X	X														
Laundry/Cleaning (Self-Serv.)					X	X	X	P	P	P		X				
Optical/Eyewear Store		X	X	P	X	X	X	P	P	P	X	X				
Photography Studio	S	X	X	P	X	X	X	P	P	P		X				
Piano Lessons	X	X	X	P	X	X	X	P	P	P	X					
Swimming Lessons	X	X														
Tailor/Seamstress Shop		X	X	P	X	X	X	P	P	P						
Tanning Salon					X	X	X	P	P	P						
Tattoo Studio						X						X	X			
Travel Agency/Bureau		X	X	P	X	X	X	P	P	P						
Retail Sales and Service																
Antique Mall, Multiple Dealers		S			X	X	X	P	P	P						
Antique Shop (No Outdoor Display)		X			X	X	X	P	P	P						
Antique Shop (With Outdoor Display)						X	T	P	P	P						
Arts and Crafts Supply Store		X	X	P	X	X	X	P	P	P						
Auto Supply (W/O Install)					X	X	X	P	P	P		X	X			
Bicycle Shop					X	X	X	P	P	P		X	X	X		
Book Store					X	X	X	P	P	P	X					
Camera, Photography Store					X	X	X	P	P	P		X				
Cleaning Plant (Commercial)						X	X	P	P	P		X				
Clothing/Apparel (Custom Made)		X	X	P	X	X	X	P	P	P		X				
Clothing/Apparel Store					X	X	X	P	P	P		X				
Compassionate Use Dispensary												S	S			
Confectionery Shop (Retail)					X	X	X	P	P	P						
Convenience Store					X	X	X	P	P	P		X		X		
Department Store					X	X	X	P	P	P		X				
Discount Store					X	X	X	P	P	P		X				
Drug Store					X	X	X	P	P	P		X				
Feed/Seed Store						X	X	P	P	P		X	X			
Flea Market (Indoor Only)					X	X	X	P	P	P		X				
Flea Market (With Outdoor Display)						X				P		X				
Florist		X	X	P	X	X	X	P	P	P						
Food, Grocery Store					X	X	X	P	P	P						
Fruit-Vegetable/Produce Market						X	X	P	P	P		X	X			
Fruit-Vegetable Stand					T	X	X	P	P					X		
Furniture/Appliance (Sales & Service)					X	X	X	P	P	P						
Gift Shop		X	X	P	X	X	X	P	P	P		X		X		
Hardware Store					X	X	X	P	P	P		X				
Jewelry (Custom Made)		X	X	P	X	X	X	P	P	P		X				
Jewelry Store					X	X	X	P	P	P		X				
Key/Locksmith Shop					X	X	X	P	P	P		X				
Lawn & Garden Shop (No Outdoor Display)					X	X	X	P	P	P		X				
Lawn & Garden Shop (W/Outdoor Display)						X		P	P	P		X				
Lawn/Garden Equipment Sales & Service Store						X	X	P	P	P		X				
Meat/Seafood Market (No Processing)					X	X	X	P	P	P		X	X			
Medical Appliance Store			X	P	X	X	X	P	P	P	X					
Music Store					X	X	X	P	P	P						

USE GROUP

 Use Category Use Sub-Category
 Specific Uses

 Use
 Standards

	AG	AR	RPO	POD	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	
Outdoor Display						X	T	P	P	P	T	X	X			
Outdoor Storage						X		P	P	P		X	X			
Outdoor Vending Machine					X	X	X	P	P	P		X	X			
Second Hand Store					X	X	X	P	P	P						
Sewing Machine Sales & Service					X	X	X	P	P	P		X				
Shoe Repair Shop					X	X	X	P	P	P		X				
Shoe Store					X	X	X	P	P	P						
Shoes, Boots, Purses (Custom Made)		X	X	P	X	X	X	P	P	P		X				
Swimming Pool Sales / Supplies						X	X	P	P	P		X	X			
Taxidermy Shop						X	X	P	P	P		X	X			
Tobacco/Vape/Smoke Store					S	X		P	P	P		X	X			Distance requirements per Sec. 10-77
Video Store					X	X	X	P	P	P						
Self-Service Storage Facility						X		S	S	P		X	X			
Sexually Oriented Business												X	X			
Sports and Recreation (Participant)																
Indoor																
Archery Range						X	X	P	P	P		X	X	X		
Bingo Parlor					S	X	X	P	P	P		X	X			
Bowling Alley					X	X	X	P	P	P		X	X			
Commercial Amusement Center					X	X	X	P	P	P		X	X			
Commercial Recreation Center					X	X	X	P	P	P		X	X			
Firearms Range						X	X	P	P	P		X	X	X		
Pool Hall, Game Room					X	X	X	P	P	P		X	X			
Private Recreational Club					X	X	X	P	P	P		X	X			
Skating Rink					X	X	X	P	P	P		X	X			
Outdoor																
Archery Range										S		S	S	X	S	
Commercial Amusement Park					S	X	X			P		X	X	X		
Commercial Recreation Park					S	X	X			P		X	X	X	X	
Day Camp	X					X				P		X	X	X	X	
Firearms Range						S				S		S	S	X	S	
Fish Pond (Commercial)						X				P		X	X		X	
Go-Cart Track						S				S		S	X		S	
Golf Course, Miniature Golf, and Driving Range						S				S		S	S	X	S	
Marina/Boat Dock						S		S	S	S		S	S	X		
Riding Stable/Club	S					S								X	S	
Rodeo Grounds												S	S	X	S	
Skating Rink (Outdoor)						X	X	P	P	P		X	X	X	S	
Skeet/Trap Range						S				S		S	S	X	S	
Telecommunications/Broadcasting Towers/Buildings																
Vehicle & Equipment Sales, Rental & Service																
Automobile/Light Truck/Motorcycle Dealership						X		P	P	P		X	X			
Auto Detail Shop					X	X				P		X	X			
Auto Glass, Muffler, Seat Cover, Headliner Shop						X				P		X	X			
Automobile Rental Agency						X		P	P	P		X	X			
Auto/Truck/Equipment Auction Facility						X		P		P		X	X			
Battery Service Shop						X				P		X	X			
Car Wash					X	X		P	P	P		X				
Tire Sales & Service Center (With Outdoor						X				P		X	X			

USE GROUP

 Use Category Use Sub-Category
 Specific Uses

 Use
 Standards

	AG	AR	RPO	POD	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	
Display)																
Tire Sales & Service Center (w/o Outdoor Display)					X	X	X	P	P	P		X	X			
Motor Vehicle Repair																
Auto and Motorcycle Service Garage						X		S	S	P		X	X			
Auto Supply (W/ Install)						X	X	P	P	P		X	X			
Auto/Truck Paint & Body Shop								P	P	P		X	X			
Transmission Repair Shop						X	X			P		X	X			
Vehicle Towing Service						S						X	X			
Heavy Equipment/Vehicle Sales/ Rental																
Boat Dealership						X				P		X	X			
Heavy Equipment/ Machinery Rental Yard						X						X	X			
Heavy Machinery Dealership (Sales & Service)						S						X	X			
Manufactured Housing Sales Lot						X						X	X			
R.V. Dealership						X				P		X	X			
Truck Stop (Fuel, Service)						X						X	X			
Truck/Heavy Equipment Rental Facility						X				P		X	X			
Truck/Tractor (Sales, Rental, & Service)						X				P		X	X			
INDUSTRIAL																
Manufacturing, Production & Industrial Service																
Limited																
Electronic/Electrical Equipment Mfg.													X			
Food Manufacturing/ Processing Plant							X					X	X			
Furniture/Fixtures Manufacturing Plant													X			
Lithographic Shop/ Commercial Printer					X	X				P		X				
Meat/Fish Packing Plant													X			
Milk Distribution Station						X						X	X			
Newspaper Printing Plant						X	X			P		X	X			
Poultry Processing Plant													X			
Printing/Publishing Plant							X					X	X			
Sheet Metal Fabrication Shop												X	X			
Sign Contractor's Shop/Yard						X						X	X			
General																
Acid Manufacturing Plant													X			
Auto/Truck Assembly Plant													X			
Battery Storage Power Station													S			
Boat Manufacturing Plant												X	X			
Chemicals/Allied Products Mfg. Plant													X			
Fabricated Metal Production Facility													X			
Fertilizer Plant												X	X			
Grain/Feed Processing Plant	X											X	X			
Foundry/Metals Manufacturing Plant													X			
Home Appliance Manufacturing Plant													X			
Industrial/Commercial Equipment Mfg.													X			
Motor Freight Terminal												X	X			
Pulp-Paper Mill													X			
Railroad Depot						X	X					X	X			
Railroad Freight Terminal													X			
Sand, Gravel, Stone, Earth, Mineral Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S			
Sand, Gravel, Stone, Earth, Mineral Sales												X	X			
Textile Mill													X			
Tire Retreading/ Vulcanizing Plant												X	X			

USE GROUP																		Use Standards
Use Category	Use Sub-Category																	
Specific Uses		AG	AR	RPO	POD	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP		
Wood Products Mfg. Plant (10+ Employees)													X	X				
Oil/Gas Treatment																		
Oil & Gas Exploration (Drilling Activity)		S	S	S	S	S	S	S	S	S	S	S	S	S	X			
Oil & Gas Exploration (Producing Well)		S	S	S	S	S	S	S	S	S	S	S	S	S	X			
Oil & Gas Field Equipment Sales/Rental													X	X				
Oil & Gas Treatment/ Processing Plant														X				
Petroleum Refinery														X				
Petroleum Tank Farm														X				
Research Laboratory																		
Laboratory Mfg.													X	X				
Warehousing and Wholesaling																		
Frozen Food Locker Plant							X				P		X	X				
Hauling & Storage Facility							X				P		X	X				
Warehouse & Distribution Center							X				P		X	X				
Waste and Disposal																		
Junk/Salvage Yard														S				
Sanitary Landfill														S	X			
Recycling Facilities																		
Building Materials Salvage Yard														X				
Industrial Recycling Plant														X	X			
Recycling Center/Collection (Cans, Glass, Paper)							X	X	P		P		X	X	X			
Recycling Center (Hazardous Material)														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. 0-2014-97; 10/22/14) (Ord. No. 0-2019-87; 10/8/19) (Ord. No. 0-2023-115; 12/13/23)

PART 2: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article III., "Use Regulations", Division C., "Limited and Specific Use", is hereby amended by adding Section 10-77 to read as follows:

Sec. 10-77. Tobacco/Vape/Smoke Stores

a) Location Requirements

1. Tobacco/vape/smoke stores as defined by this code shall be at least 300 feet from a public or private elementary or secondary school, City park, child care or day care center, hospital or place of worship, measured in a direct line from the property line of the place of business to the property line of a public or private elementary or secondary school, City park, child care or day care center, hospital or place of worship.
2. Tobacco/vape/smoke stores as defined by this code shall be at least 1,000 feet from another tobacco/vape/smoke store measured in a direct line from the property line of each and every applicable place of business. (Ord. No. 0-2023-115; 12/13/23)

PART 3: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article XIII., "Definitions", Division A., "Definitions", is hereby amended by amending certain definitions and adding new definitions, in the appropriate alphabetical order and with no other changes to Division A., to read as follows:

Battery Storage Power Station

A facility consisting of one or more battery devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. (Ord. No. 0-2023-115; 12/13/23)

Compassionate Use Dispensary

An establishment licensed by the State and in full compliance thereof, to cultivate, process, and dispense low-THC cannabis, as defined under the State Occupations Code, to a patient for whom low-THC cannabis is prescribed under the State Occupations Code. (Ord. No. 0-2023-115; 12/13/23)

Second Story Loft/Studio Apartment

Any portion of a commercially-used building above the first story, which is designed, built, rented, leased or let to be occupied as one or more dwelling units or apartments. (Ord. No. 0-2023-115; 12/13/23)

Tobacco/Vape/Smoke Store

A commercial establishment specializing in the retail sale of tobacco, cigarettes, cigars, vapes, paraphernalia and associated items, including the small scale blending of tobaccos. A grocery store or similar retail use that sells tobacco and vape products, paraphernalia and associated items as an ancillary sale is not included in this definition. (Ord. No. 0-2023-115; 12/13/23)

PART 4: 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 5: 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, December 15th, 2023.

PASSED AND APPROVED this the 13th day of December, A.D., 2023.



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

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM,
CITY ATTORNEY