

ORDINANCE NO. O-2019-87

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 AMENDING REGULATIONS RELATED TO ZONING DISTRICTS, USES, DEFINITIONS AND OTHER MINOR CLARIFICATIONS; 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, State law, at Texas Local Government Code Chapter 243, authorizes a municipality to adopt regulations regarding sexually oriented businesses as the municipality considers necessary to promote the public health, safety, and welfare; 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 certain provisions in the Unified Development Code in City Code Chapter 10; and

WHEREAS, the Unified Development Code Review Committee has reviewed the proposed changes; and

WHEREAS, on October 1, 2019, the Planning and Zoning Commission reviewed the proposed changes;

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 Sections 10-20, 10-21 and 10-23 to read as follows:

Sec. 10-20. Establishment of Residential Districts

The following residential districts are established in the City of Tyler:

| Abbreviation | District Name |
|--------------|---------------------------------|
| RE | Residential Estate |
| R-1A | Single-Family Residential |
| R-1B | Single-Family Residential |
| R-1C | Single-Family Residential |
| R-1D | Single-Family-Attached/Detached |
| R-2 | Two-Family Residential |
| R-MF | Multi-Family Residential |
| R-MH | Manufactured Home Residential |
| NR | Neighborhood Residential |
| PUR | Planned Unit Residential |
| PMF | Planned Multifamily |

(Ord. No. 0-2011-45; 6/8/11) (Ord. No. 0-2019-87; 10/8/19)

Sec. 10-21. District Purpose Statements

a. through e. No changes...

f. R-2 Two-Family Residential (Duplex)

The R-2 district is primarily intended to accommodate single-family detached and two-family (duplex) housing on individual lots. (Ord. No. 0-2019-87; 10/8/19)

g. through h. No changes...

i. PUR Planned Unit Residential

The PUR district is primarily for the medium to high density development of unique and innovative forms of detached or attached single-family housing. A PUR development utilizes the total space within a development by creating common open spaces, scenic and recreational areas, and other spaces, which will compensate for the reduction of land area dedicated for the residential structure.

It is the intent of the PUR to provide for residential developments which may utilize private streets, owned and maintained by a Homeowners Association or dedicated public streets. The PUR district is not intended as a convenience to circumventing regulations set forth in other residential districts, or as a tool for mass variance, without provisions of common areas. (Ord. No. 0-2014-33; 4/23/14) (Ord. No. 0-2019-87; 10/8/19)

j. PMF Planned Multi-Family District

The PMF district is primarily intended to provide for the medium- to high-density development of condominiums, apartments, and nursing homes. A PMF development may include common open spaces, scenic and recreational areas. The PMF district is not intended as a convenience to circumventing regulations set forth in other residential districts or as a tool for mass variance. (Ord. No. O-2010-119; 11/10/10) (Ord. No. O-2011-45; 6/8/11) (Ord. No. O-2019-87; 10/8/19)

k. NR Neighborhood Residential

The NR district is primarily intended to accommodate small scale single-family attached or detached dwellings on one lot or individually platted lots and for other compatible and complimentary uses, such that it provides an orderly transition to and creates a buffer between single-family and two-family areas and more intensive uses such as multi-family or commercial uses. (Ord. No. O-2019- 87; 10/8/19)

Sec. 10-23. Dimensional Standards

All development in residential districts must comply with Table 10-23 Dimensional Standards in Residential Districts

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 | NR | PUR | PMF |
|--|--------|-------|-------|-------|-------|-------|--------|-------|--------|-----|-----|
| Minimum lot area (sq. ft.) | 43,560 | 9,000 | 6,000 | 6,000 | 3,000 | 7,500 | 12,500 | 6,000 | 43,560 | [a] | [a] |
| Minimum street frontage (ft.) | 50 | 35 | 35 | 35 | 35 | 35 | 45 | 35 | 35 | 25 | 25 |
| Minimum frontage (ft.) to private way | | | | | | | | | | | 25 |
| Setbacks (ft.) | | | | | | | | | | | |
| Front * | 50 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 20[f] | [a] | [a] |
| Rear | 50 | 25 | 25 | 25 | 15 | 25 | 25 | 10 | 25 | [a] | [a] |
| Side interior | 12.5 | 7.5 | 6 | 6 | 0 | 6 | 25 | 10 | 25 | [a] | [a] |
| Side, corner | 25 | 12 | 12 | 12 | 12 | 12 | 12 | 15 | 25 | [a] | 25 |
| District boundary | | | | | | | | 25 | | | |
| Maximum lot coverage (%) | 30 | 50 | 50 | 50 | 60 | | 50 | | 60 | [a] | [a] |
| Maximum height (ft.) | 42 | 42 | 42 | 42 | 42 | 42 | 50[c] | 18 | 42 | 42 | [a] |
| Building separation (ft.) | | | | | [b] | | 15 | 20 | 10 | [a] | 15 |
| Minimum Open Space per dwelling unit (sq. ft.) | | | | | | | 300 | | | [e] | 300 |
| Minimum width (ft.) | | | | | | | 15 | | | | 15 |
| Maximum slope (%) | | | | | 10 | | 10 | | | | 10 |
| Maximum number of dwelling units per acre | | | | | | | 24 | | 10 | 12 | [a] |

(Ord. 0-2010-20; 3/10/10) (Ord. No. O-2010-119; 11/10/10) (Ord. No. O-2011-45; 6/8/11) (Ord. No. O-2014-97; 10/22/14) (Ord. No. O-2019- 87; 10/8/19)

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

[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] 15 feet between attached single-family residence row and any portion of another attached single-family residence row.

[c] 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).

[d] The following elements may be designated as usable open space in the PUR, 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.

[f] 20 feet setback from face of garage from drive aisles. (Ord. No. 0-2019-87; 10/8/19)

Sec. 10-48 Residential District Use Table

[illegible]

| | | | | | | | | | | | | | |
|--|------------------|------|------|------|------|-----|------|------|----|-----|-----|---|----------------------------|
| College or University | | | | | | | | | | | | | |
| College Dormitory (Off-Campus) | | | | | | | X | | | | | P | |
| College Fraternity/Sorority House | | | | | | | X | | | | | P | |
| Elementary School | X | X | X | X | X | X | X | X | X | X | P | P | |
| Junior High or High School | X | X | X | X | X | X | X | X | X | X | P | P | |
| Pre-School/Kindergarten | X | X | X | X | X | X | X | X | X | X | P | P | |
| School Student/Activity Center/Field(Public) | X | X | X | X | X | X | X | X | X | X | P | P | |
| USE GROUP | | | | | | | | | | | | | |
| Use Category | Use Sub-Category | | | | | | | | | | | | |
| Specific Uses | RE | R-1A | R-1B | R-1C | R-1D | R-2 | R-MF | R-MH | NR | PUR | PMF | | Use Standards |
| COMMERCIAL | | | | | | | | | | | | | |
| Entertainment | | | | | | | | | | | | | |
| Indoor | | | | | | | | | | | | | |
| Club/Social Organization | S | S | S | | | | | | | | | S | |
| Country Club (Private) | S | S | S | S | S | S | S | S | S | P | P | | |
| Outdoor | | | | | | | | | | | | | |
| Rodeo Grounds | | | | | | | | | | | | | |
| Funeral and Internment Service | | | | | | | | | | | | | |
| Cemetery, Mausoleum (Per State Law: No new cemeteries allowed within city limits.) | X | X | X | X | X | X | X | X | X | X | X | X | |
| Columbarium | S | S | S | S | S | S | S | S | S | S | S | S | |
| Mortuary/Funeral Home/Crematory | | | | | | | | | | | | | |
| Lodging | | | | | | | | | | | | | |
| Bed & Breakfast | | | | | | | S | | | | | P | |
| Boarding/Rooming House | | | | | | | X | | | | | P | |
| Campground | | | | | | | | | | | | | |
| R.V. Park | | | | | | | | | | | | | |
| INDUSTRIAL | | | | | | | | | | | | | |
| Oil & Gas Exploration (Drilling Activity) | S | S | S | S | S | S | S | S | S | S | S | S | |
| Oil & Gas Exploration (Producing Well) | S | S | S | S | S | S | S | S | S | S | S | S | |
| Sand/Gravel Extraction | S | S | S | S | S | S | S | S | S | S | S | S | |
| OTHER | | | | | | | | | | | | | |
| Accessory Uses | X | X | X | X | X | X | X | X | X | X | X | X | |
| Accessory Structures | X | X | X | X | X | X | X | X | X | X | X | P | |
| Community Center (Public or Private) | S | S | S | S | | | | | | | | | |
| Barber/Beauty Shop One-Chair (Residential) | S | S | S | S | S | S | S | S | S | S | S | S | |
| Day Care At Home (Adults) maximum 6 | S | S | S | S | S | S | S | S | S | S | S | S | |
| Day Care At Home (Children) maximum 6 | S | S | S | S | S | S | S | S | S | S | S | S | |
| Home Occupation | X | X | X | X | X | X | X | X | X | X | X | X | |
| Photography Studio | S | S | S | S | S | S | S | S | S | S | S | S | |
| Piano Lessons | X | X | X | X | X | X | X | X | X | X | X | X | |
| Swimming Lessons | X | X | X | X | X | X | X | X | X | X | X | X | |
| Temporary | | | | | | | | | | | | | |
| Concert, Outdoor (Temp.) | T | T | T | T | T | T | T | T | T | T | T | T | Subject to noise ordinance |
| Model Home | X | X | X | X | X | X | X | X | X | X | P | P | |
| Revival (Outdoor) | T | T | T | T | T | T | T | T | T | T | T | T | Subject to noise ordinance |

(Ord. 0-2010-20, 3/10/10) (Ord. No. 0-2011-45; 6/8/11) (Ord. No. 0-2014-33; 4/23/14) (Ord. No. 0-2014-97; 10/22/14) (Ord. No. 0-2019-87; 10/8/19)

PART 3: 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 10-66 to read as follows:

Sec. 10-66. Attached Single-Family Residences

- a. There may be up to six attached single-family residences in one continuous row or group.
- b. No dwelling unit may be constructed above another unit.
- c. All attached single-family residences or accessory structures within a contiguous group must be at least 15 feet from any portion of an attached single-family residences or accessory structure of another attached single-family residences group.
- d. Each lot or parcel of land that is used for attached single-family residences must provide 15 percent useable open space per unit. (Ord. No. 0-2019-87; 10/8/19)

PART 4: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article III., "Use Regulations", Division G., "Chapter Exceptions", is hereby amended by amending Section 10-92 to read as follows:

Sec. 10-92. Chapter Exceptions

- a. No changes...
- b. No changes...
- c. Front Yards
 1. The front yards heretofore established in all AR, C-1, C-2, DBAC and RPO Districts shall be adjusted in the following cases:
 - a. Through c. No changes...
 2. No changes...
 3. The front yards heretofore established in RE, R-1A, R-1B, R-1C, R-1D, NR, and PUR districts shall be reduced to 10 feet if:
 - a. Through c. No changes...

(Ord. No. 0-2019-87; 10/8/19)

PART 5: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article III., "Use Regulations", Division H., "Alcoholic Beverages", is hereby amended by amending Section 10-95 to read as follows:

Sec. 10-95 Sale of Beer Prohibited in Residential/Designated Zoning Districts

The sale of beer is prohibited at any location in the city that is within a residential zoning district (AR, RE, R-1A, R-1B, R-1C, R-1D, R-2, R-MF, R-MH, NR, PUR, and PMF). The sale of beer is prohibited in an RPO district, as well as in any identified portion of a mixed-use district (PMXD-1 and PMXD-2) that is restricted to residential uses. (Ord. No. 0-2012-89; 11/13/12)
(Ord. No. 0-2019-87; 10/8/19)

PART 6: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division C., "Gated Development Standards", is hereby amended by amending Section 10-121 to read as follows:

Sec. 10-121 Applicable Zones

Gated developments are permitted only in the following zoning districts:

- a. PUR Planned Unit Residential District
- b. NR Neighborhood Residential District
- c. PMF Planned Multi-Family District
- d. R-MF Residential District

(Ord. No. 0-2019-87; 10/8/19)

PART 7: 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 10-292 to read as follows:

Sec. 10-292. Landscaping Requirements

- a. The landscape standards in this division apply to all land within the city limits except for areas zoned AG, RE, R-1A, R-1B, R-1C, R-1D, R-2, NR, or R-MH, notwithstanding the requirement that each parcel in the aforementioned districts are required to meet tree planting requirements set forth in Sec. 10-305(C). (Ord. No. 0-2011-45; 6/8/11) (Ord. No. 0-2019- 87; 10/8/19)
- b. And c. No changes...

PART 8: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI., “Development Standards”, Division B., “Bufferyards”, is hereby amended by amending the Table in Section 10-321 to read as follows:

Sec. 10-321. General Requirements

- a. through d. No changes...

Required Bufferyard Type by Adjacent Zoning District

| District | RE, R-1A, R-1B, R-1C, R-1D, PUR | AR, R-2, R-MF, PXR, PMF | C-1, PMXD-1 RPO, INT | C-2, PCD, PMXD-2 | M-1, M-2 |
|---------------------------------|---------------------------------------|----------------------------|----------------------------|---------------------|----------|
| RE, R-1A, R-1B, R-1C, R-1D, PUR | | Type A | Type B | Type B | Type C |
| AR, R-2, NR, R-MF, PMF | Type A | | Type A | Type B | Type C |
| C-1, PMXD-1, RPO, INT | Type B | Type A | | Type B | Type C |
| C-2, DBAC*, PCD, PMXD-2 | Type B | Type B | Type B | | Type C |
| M-1, M-2 | Type C | Type C | Type C | Type C | |

Note: The more intense use is required to provide the buffer.

*Buffer yards are only required in DBAC when adjacent to residential districts. Requirement may be waived upon the submittal of a letter of support from adjacent, affected property owner.

(Ord. No. 0-2009-19; 3/11/09) (Ord. No. 0-2010-119; 11/10/10) (Ord. No. 0-2011-45; 6/8/11) (Ord. No. 0-2019-87; 10/8/19)

PART 9: 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 add a row as follows, with no other changes to the Table:

Sec. 10-590. Review Authority

This section establishes review authority under this Unified Development Code. Specific requirements for each type of application or permit are contained within this code. The following table summarizes the decision-making authority of each review body.

Table 10-590 Summary of Review Authority

| Application Or Permit | Building Official | Historic Preservation Officer | Development Services Engineer / Traffic Engineer | Planning Director / MPO Executive Director | Historical Preservation Board | Construction Board of Adjustment & Appeals | Zoning Board of Adjustment (ZBA) | Planning Commission | City Council | Division |
|---|-------------------|-------------------------------|--|--|-------------------------------|--|----------------------------------|---------------------|--------------|-------------------------|
| Development | | | | | | | | | | |
| Subdivision Infrastructure Construction Plan | | | R | | | | | {D} | {A} | Article VII., Div. A |
| R = Review or Recommendation D = Decision A = Appeal { } = Decision following a Public Hearing *Except as noted in the relevant Ordinance Section | | | | | | | | | | |

(Ord. No. 0-2014-97; 10/22/14) (Ord. No. 0-2018-17; 2/14/18) (Ord. No. 0-2019- 87; 10/8/19)

PART 10: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VIII., “Development Approval Procedures”, Division D., “Subdivisions”, is hereby amended by amending Sections 10-630, 10-631, 10-635 and 10-641 to read as follows:

Sec. 10-630. General

No changes to the diagram...

a. No changes...

1. Minor Subdivisions

A minor subdivision is the creation of four or fewer lots and does not require the creation of a new street or the extension of municipal facilities. A minor subdivision may be approved for residential and non-residential properties except for plats that require public hearings. Minor plat approval requires the submission of a final plat as described under Sec.10-635. (Ord. No. 0-2019-87; 10/8/19)

2. No changes...

b. No changes...

c. Official Submission Date for Items Requiring Commission and Staff Approval

1. No changes...

2. The official responsible for accepting an application must make a determination of application completeness within seven working days of the application filing.

3. If an application is determined to be incomplete, the official responsible must provide paper or electronic notice to the applicant, along with an explanation of the application’s deficiencies. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are corrected, the application will be placed in the next available processing cycle for review. If they are not corrected within 10 working days from time of notice of deficiency, the application will be considered incomplete and returned. (Ord. No. 0-2019-87; 10/8/19)

4. No changes...

d. No changes...

e. Minor Plats

Pursuant to Chapter 212 of the Texas Local Government Code, or successor, the Planning Director is hereby authorized to approve minor plats. The Director may, for any reason, elect to present a minor plat to the Planning and Zoning Commission for approval. The Director may not disapprove a minor plat and must refer any minor plat refused for approval to the Commission within 30 days of the official date of application. (Ord. No. 0-2013-16; 2/27/13) (Ord. No. 0-2019-87; 10/8/19)

f. Statutory Compliance Procedure.

The Planning Director must place a complete application on the agenda of a Planning and Zoning Commission meeting that is scheduled within 30 days following the official submission date. Applications that have corrected completeness deficiencies are not considered filed until the next available processing cycle deadline. The Commission must approve or disapprove the application at the meeting. If the Commission fails to approve or disapprove an application within 30 days of the official submission date the application must be deemed approved in accordance with Section 212.009 (b) of the Texas Local Government Code. Unless the Commission unconditionally disapproves the plat application within such period, the City will continue to process the application for compliance with these regulations. (Ord. No. 0-2015-67, 6/24/2015) (Ord. No. 0-2019-87; 10/8/19)

g. No changes...

Sec. 10-631. Preliminary Plat

a. No changes...

b. Exceptions to Preliminary Plat Requirements

The preliminary plat approval requirement and procedures of this section are waived if the following criteria are met:

1. No changes...

2. The developer first secures written permission from the Planning Director, at the Director's discretion, to waive the preliminary plat and proceed directly to the final plat procedure. (Ord. No. 0-2000-11, 3-1-2000) (Ord. No. 0-2006-19, 2/8/06) (Ord. No. 0-2019-87; 10/8/19)

c. Application Procedure and Requirements

On forms approved by the city, the applicant must file one hard copy and one digital copy in portable document format (pdf) of the proposed preliminary plat, with the planning department. The plat must be prepared by or under the supervision of a licensed professional engineer or surveyor or land planner in the State of Texas and must bear the signature of the preparer and the date on each sheet. The payment of all applicable fees is required at the time of submission.

Sec. 10-635. Final Plat

No changes to the diagram...

a. No changes...

b. Application Procedure and Requirements

A final plat for minor subdivisions may be approved by the planning director. A final plat for a major subdivision will require approval by the commission. Final plats must comply with the preliminary plat where applicable. The application must be accompanied by the following:

1. On forms approved by the city, the applicant must file one hard copy and one digital copy in portable document format (pdf) of the proposed final plat bearing all information specified in Sec. 10-631, except Sec. 10-631(d.) (3) relating to contours, and the following language:

Notice: "Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits."

This notice does not apply to land within an industrial park.

Notice: "This property has been determined to be in Zone 2 of the City of Tyler ETJ per Interlocal Agreement accepted under Texas Local Government Code Section 242.001. Approval by the City of Tyler is all that is required for this plat. Approval of this plat showing dedicated public roads, rights-of-way and easements (including drainage easements) does not guarantee or imply county acceptance of such public improvements for county maintenance. Only the Smith County Commissioners Court by formal vote can accept county roads, rights-of-way and easements for county maintenance."

2. Through 4. No changes...
5. Construction plans (major plats).
6. Proof of water and wastewater service or will-serve letters (ETJ Plats)
7. Proof of ad valorem taxes paid. Original Tax Certificate must be submitted for recording purposes as required by Texas Local Government Code or successor, Texas Property Code Section 12.002 or successor, and all other applicable state laws. (Ord. No. 0-2012-83; 10/10/12) (Ord. No. 0-2019-87; 10/8/19)
8. Through 11. No changes...

c. Construction Plans

1. No changes...
2. Review for Compliance

Copies of the construction plans and the required number of copies of the plat must be submitted to the development services engineer for review. The plans must contain all necessary information for construction of the project, including screening walls and other special features. All materials specified must conform to the Design Guidelines for Subdivision Improvements. Each sheet of the plans must contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and must clearly note the nature of the revision and the date the revision was made. The development services engineer will release the plans for construction after approval of the final plat by the commission and payment of all inspection fees. Upon such release, each contractor must maintain one set of plans, stamped with city release, on the project at all times during construction. (Ord. No. 0-2019-87; 10/8/19)

3. No changes...

d. No changes...

e. Approval Procedure

After review of the final plat, the Planning Director must place the final plat for consideration on the agenda of a public meeting of the Commission. Minor plats not requiring a public hearing may be approved by the planning director or referred to the commission in accordance with Sec.10-630(e). In the event of disapproval, reasons for disapproval must be stated pursuant to the Texas Local Government Code or successor. (Ord. No. 0-2019-87; 10/8/19)

f. Through h. No changes...

i. Signing and Recording of Final Plat

It is the responsibility of the Planning Director to file the final plat with the County Clerk. Simultaneously with the filing of the final plat, the city must record such other agreements of dedication for on- or off-site easements and legal documents as required by the City Attorney. The final plat must be recorded after final approval and within 10 working days of receipt of the originals, which must include the owners' signatures, an original tax certificate, and any applicable guarantees or bonds. One copy of the recorded final plat, with street addresses assigned, will be forwarded to the property owner and others as designated by the director. (Ord. No. 0-2019-87; 10/8/19)

j. And k. No changes...

l. Dormant Applications

Applications for subdivisions will be considered dormant after two years if no progress has been made towards responding to disapproved applications from the date of the original disapproval. (Ord. No. 0-2019-87; 10/8/19)

Sect. 10-641. Administrative Plat Authorized

a. The Planning Department may accept certain minor plats out of the main plat cycle if the purpose of the plat is limited to one or more of the following and does not require a public hearing:

1. Add/Correct an error in a course or distance;
2. Correct an error in a property description or any other type of scrivener or clerical error or omission;
3. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
4. Relocate or remove one or more lot lines between one or more adjacent lots;
5. Create six or fewer lots in a subdivision under an existing plat. (Ord. No. 0-2019-87; 10/8/19)

b. The official responsible for accepting an application under this section must make a determination of application completeness within seven working days of the application filing. The applicant must demonstrate at the time of filing that the application meets administrative approval criteria. Should a plat not meet the administrative approval criteria, the application will be returned and the applicant must re-file during the typical Planning and Zoning Commission review cycle. (Ord. No. 0-2019-87; 10/8/19)

c. No changes...

PART 11: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article XIII, "Definitions", Division A., "Definitions", is hereby amended by amending the specified definitions to read as follows:


Single-Family Residence, Attached

A dwelling that is part of a structure containing two or more dwellings, each designed and constructed for occupancy by one family, with each dwelling attached by a common wall to another in which each dwelling is located on a separate platted lot (unless the dwelling is part of a Planned Development District approved without separate platted lots or within zoning districts that require a lot size of at least one acre where permitted), with each unit having its own front and rear access to the outside, and no unit is located over another unit. (Ord. No. 0-2019-87; 10/8/19)

PART 12: 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 13: 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 11, 2019.

PASSED AND APPROVED this the 8th day of October, A.D., 2019.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK

The seal of the City of Tyler, Texas, is a circular emblem. It features a central five-pointed star with the word "SEAL" written across it. The words "CITY OF TYLER" are arched over the top of the star, and "TEXAS" is arched below it. The entire seal is enclosed within a decorative, dotted border.


DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2019-87
ATTACHMENT "B"
UPDATE MATRIX
1 of 3

| UDC AMENDMENT RECOMMENDATIONS | | | | |
|---|--|---|------------------------------------|---|
| Section | Item Changed | How Changed | Whose Suggestion | Potential Effect |
| SUBSTANTIVE AMENDMENTS | | | | |
| Article I Introductory Provisions | | | | |
| Article II Zoning Districts | | | | |
| 10-20, 10-21, 10-23 | Establishment of Residential Districts, District Purpose Statements, Dimensional Standards | Residential Zoning Changes - Add Neighborhood Residential Zoning (NR) - Revise PUR definition - Combine PUR and PXR into one zoning district - Revise definition for R-2 zoning - Update dimensional table | Development Community Subcommittee | Provide transparency in development proposals, flexibility in development types |
| | Residential District Use Table | Residential Zoning Changes - Update use table to reflect changes to NR, PUR, PXR | Development Community Subcommittee | Provide transparency in development proposals, flexibility in development types |
| Article III Use Regulations | | | | |
| Article IV Subdivision Design and Improvements | | | | |
| Article V Streets and Thoroughfares | | | | |
| Article VI Development Standards | | | | |
| Article VII Environmental Regulations | | | | |
| Article VIII Development Approval Procedures | | | | |
| Article X Administration and Enforcement | | | | |
| Article XI Historic Preservation | | | | |
| Article XII Annexation | | | | |
| Article XIII Definitions | | | | |
| | | <u>A family is one or more persons occupying a single dwelling unit as a single nonprofit housekeeping unit, provided that it does not contain more than four persons in addition to any other occupants being related by adoption, legal guardianship, marriage, foster care, parental care or are part of a licensed group home for disabled persons.</u> | | |
| | Family | Not more than six individuals occupying a dwelling unit and living as a single, nonprofit housekeeping unit. | Community | |

ORDINANCE NO. O-2019-87
ATTACHMENT "B"
UPDATE MATRIX
2 of 3

| UDC AMENDMENT RECOMMENDATIONS | | | | | |
|--|----------------------------|-------------------|---|--|---|
| UDC Review Committee recommendations highlighted in yellow | | | | | |
| Section | Item Changed | How Changed | | Whose Suggestion | Potential Effect |
| | | Old | New | | |
| CLARIFICATION AMENDMENTS | | | | | |
| Article I Introductory Provisions | | | | | |
| Article II Zoning Districts | | | | | |
| Article III Use Regulations | | | | | |
| 10-66 | Townhouses | "Townhouses" term | Revised to use "Attached Single-Family Residence" term | Development Community, Subcommittee | Provide transparency in development proposals, flexibility in development types |
| 10-92 | Chapter Exceptions | | Clarify that front yard setback exceptions apply to AR. Also make changes to reflect NR and remove PXR. | Development Community, Subcommittee, Staff | Clarity |
| 10-95 | Sale of Beer Prohibited... | | Add NR, remove PXR | Development Community, Subcommittee, Staff | Clarity |
| Article IV Subdivision Design and Improvements | | | | | |
| 10-121 | Applicable Zones | | Add NR, remove PXR | Development Community, Subcommittee, Staff | Clarity |
| Article V Streets and Thoroughfares | | | | | |
| Article VI Development Standards | | | | | |
| 10-292 | Landscaping | | Add NR | Development Community, Subcommittee, Staff | Clarity |
| 10-321 | Bufferyards | | Add NR, remove PXR | Development Community, Subcommittee, Staff | Clarity |
| Article VII Environmental Regulations | | | | | |
| Article VIII Development Approval Procedures | | | | | |

ORDINANCE NO. O-2019-87
ATTACHMENT "B"
UPDATE MATRIX
3 of 3

| UDC AMENDMENT RECOMMENDATIONS | | | | | |
|--|-----------------------------------|-------------|---|--|---------------------------|
| UDC Review Committee recommendations highlighted in yellow | | | | | |
| Section | Item Changed | How Changed | | Whose Suggestion | Potential Effect |
| | | Old | New | | |
| CLARIFICATION AMENDMENTS | | | | | |
| 10-590 | Review Authority | | Add Construction Plans for Planning and Zoning Commission Approval | State Law | Compliance with State Law |
| 10-630, 10-631, 10-635, 10-641 | Subdivisions | | Clarify application sufficiency, remove 30 day waiver, revise application submittal items | State Law | Compliance with State Law |
| Article IX Permits and Fees | | | | | |
| Article X Administration and Enforcement | | | | | |
| Article XI Historic Preservation | | | | | |
| Article XII Annexation | | | | | |
| Article XIII Definitions | | | | | |
| | | | A dwelling that is part of a structure containing two or more dwellings, each designed and constructed for occupancy by one family, with each dwelling attached by a common wall to another in which each dwelling is located on a separate platted lot (unless the dwelling is part of a Planned Development District approved without separate platted lots <u>or within zoning districts that require a lot size of at least one acre where permitted</u> , with each unit having its own front and rear access to the outside, and <u>no unit is located over another unit.</u> | Development Community, Subcommittee, Staff | Clarity |
| | Single-Family Residence, Attached | | | | |