

ORDINANCE NO. O-2011-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 7, "COMMUNITY DEVELOPMENT" OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY ADOPTING A NEW ARTICLE IV. CODIFYING ESTABLISHED GUIDELINES FOR CREATING A NEIGHBORHOOD EMPOWERMENT ZONE (NEZ) PILOT PROGRAM, AND CREATING A NEIGHBORHOOD EMPOWERMENT ZONE (NEZ) FOR THE FOREST MEADOWS SUBDIVISION, LOCATED IN THE NORTHCHASE DEVELOPMENT, NORTH BROADWAY, TYLER, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, Texas Local Government Code Chapter 378 authorizes the creating of a Neighborhood Empowerment Zone to promote 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 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 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, it is important to codify established guidelines for creating a Neighborhood Empowerment Zone (NEZ) Pilot Program; and

WHEREAS, it is important to establish a Neighborhood Empowerment Zone Pilot Program for the Forest Meadows Subdivision, located in the North Chase Development, North Broadway, Tyler, Texas.

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

PART 1: That Tyler City Code Chapter 7, "Community Development", is hereby amended by adding a new Article IV. to read as follows:

ARTICLE IV. GUIDELINES FOR NEIGHBORHOOD EMPOWER ZONE (NEZ)

Sec. 7-190. Program general purpose; objectives and intent.

a. A Neighborhood Empowerment Zone (NEZ) may be established for the public purpose of increasing the public health, safety, and welfare of the citizens in accordance with Chapter 378 of the Texas Local Government Code.

b. NEZ's must promote one or more of the following objectives:

1. The creation of affordable housing in the zone;
2. An increase in economic development in the zone;
3. An increase in the quality of social services, education, or public safety provided to residents in the zone; or
4. The rehabilitation of affordable housing in the zone.

c. The intent of this pilot program is to:

1. Assess the feasibility of establishing a formal NEZ program that will focus on encouraging the development of entire neighborhoods rather than construction of individual homes in existing neighborhoods.
2. Create at least two pilot NEZs comprised of at least 20 homes on contiguous lots within the North End area of Tyler as identified by the Tyler 21 Plan.

3. Determine the desirability of expanding the NEZ program in future years throughout the North End area.
(Ord. No. 0-2011-19; 3/23/11)

Sec. 7-191. Creation of Neighborhood Empowerment Zones

a. The City Council may create a pilot NEZ by adopting the guidelines set forth herein and by approving one or more of the incentives noted below for a specified area

b. If the NEZ program is continued as a formal program in future years, NEZs shall be established by resolution. The resolution shall contain:

1. A determination that the proposed NEZ meets the requirements in I.B. above;
2. A description of the NEZ boundaries; and
3. A finding that the creation of the NEZ benefits and is for the public purpose of increasing the public health, safety and welfare of the people of Tyler.

c. In order for a pilot Neighborhood Empowerment Zone to be designated by the City Council, the proposed NEZ pilot must meet the following criteria:

1. Meet one or more of the objectives identified Section 7-190.
2. Have clearly defined boundaries.
3. Constitute a new neighborhood in the form of new improvements on at least 20 contiguous lots.
4. Be zoned residential in advance of consideration.
5. Must be Owner Occupied.

(Ord. No. 0-2011-19; 3/23/11)

Sec. 7-192. Potential incentives of Neighborhood Empowerment Zones

a. At the discretion of the City Council, incentives for each NEZ pilot may include:

1. Waiver or rebate of zoning fees
2. Waiver or rebate of platting fees
3. Waiver of building permit fees
4. Waiver of testing fees
5. Waiver of tap fees

6. Provide direct access to Neighborhood Services First Time Homebuyer program. This would be on a first come/first serve basis, pending the approved application.
7. An infrastructure incentive shall be provided in the amount of \$2000.00 per unit (single-family attached) or \$1000.00 per unit (R-1D- single family detached) up to the maximum of 50 units. This is to be paid at the time the Certificate of Occupancy is issued for each unit, or when permanent utility service is activated.

(Ord. No. 0-2011-19; 3/23/11)

Sec. 7-193. Administration

The City Manager is hereby authorized to develop the administration and procedures for the implementation of the guidelines set forth in this Article. (Ord. No. 0-2011-19; 3/23/11)

PART 2: That Tyler City Code Chapter 7, "Community Development", is hereby amended by adding a new section to Article IV. to read as follows:

Sec. 7-194. Creation of Neighborhood Empowerment Zone No. 1.

There is hereby created for the Forest Meadows Subdivision, located in the North Chase Development, North Broadway, Tyler, Texas a Neighborhood Empowerment Zone (NEZ) Pilot Program to be known as Neighborhood Empowerment Zone Pilot No. 1. The tract is approximately 7.91 acres and is located north of the Lake View Apartments, and is further described in Exhibits "A", "B" and "C", which are hereby incorporated and are made a part hereof. The City Council hereby finds that the proposed NEZ meets one or more of the requirements of Texas Local Government Code Section 378.002 and Tyler City Code Section 7-190. The City Council hereby finds that the creation of the NEZ benefits and is for the public purpose of increasing the health, safety and welfare of the persons of the municipality. The City Council also hereby finds that the creation of the zone satisfies the requirements of Texas Tax Code Section 312.202.

The incentives specific to Neighborhood Empowerment Zone Pilot No. 1 may include the following:

1. Waiver/rebate of zoning fees.
2. Waiver/rebate of platting fees.
3. Waiver of building permit fees.
4. Waiver of testing fees.
5. Waiver of tap fees.
6. Direct access shall be provided to Neighborhood Services First Time Homebuyers program. This shall be on a first come/first serve basis, pending the approved application.
7. Provide an infrastructure incentive in the amount of \$2,000.00 per unit (single-family attached) or \$1,000.00 per unit (R-1D single-family detached) up to the maximum of 50 units. This is to be paid at the time the Certificate of Occupancy is issued for each unit, or when permanent utility service is activated. (Ord. No. 0-2011-19; 3/23/11)

PART 3: 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 4: That this Ordinance shall become effective upon its passage and approval by the City Council.

PASSED AND APPROVED this 23rd day of March, A. D., 2011.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


GARY C. LANDERS, CITY ATTORNEY