



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**



**Agenda Number:** O-

**Date:** February 14, 2018

**Subject:** ZA18-001 UNIFIED DEVELOPMENT CODE (BIANNUAL REVIEW)  
Request that the Planning and Zoning Commission consider recommending an ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending regulations related to zoning districts, use regulations, subdivision design and improvements, development standards, escrow policies and procedures, environmental regulations, the tree list, streets and development approval procedures.

**Page:** 1 of 4

**Item Reference:** Texas Local Government Code Chapters 211 and 212; Tyler City Code Chapter 10

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 (UDC) governing zoning, subdivision, development and other land use regulations. The City committed to biannual reviews to ensure that the adopted code stays current with development practice. The appointed UDC Steering Committee, chaired by Bob Garrett, reconvened to review and recommend proposed changes to the Unified Development Ordinance.

Committee recommendation highlights:

- Add “POD”, Planned Office District as a zoning district and establish allowable uses.
- Amend the escrow policies and procedures to establish specific situations where escrow may be accepted for public improvements in lieu of construction by the developer and amend the Extraterritorial Jurisdiction development standards to exempt existing streets maintained by Smith County.
- Update the approved tree list to ensure species selected are viable in Tyler’s region.
- Establish a maximum density for Planned Mixed Use District 2.
- Other minor clarifications.

**“POD”, PLANNED OFFICE DISTRICT**

Prior to the adoption of the UDC in 2008, “POD” was utilized to ease the transition from commercial areas to residential neighborhoods by allowing the City Council to impose

**Agenda Number: O-1**

**Page: 2 of 4**

conditions such as bufferyards/screening and limiting uses. Bufferyards were added to UDC in 2008 to provide the transitional elements between office areas and residences and was the basis for removing "POD" Planned Office Development District as an allowable zoning district. However, there are other advantages of having the "POD" district as a planned development district for office uses such as the ability to have reduced lots sizes for unique developments as well as the ability to limit uses and add conditions without the need to use the "PCD", Planned Commercial Development District. The "POD" District will be used where office type facilities are needed to serve developing residential communities located throughout the city and shall be designed and developed as a unit according to an approved site plan. Development criteria are required that will ensure a compatible relationship between the "POD" development and the close-by residential areas. Permitted uses in this district include general offices, medical clinics, laboratories, and photography studios. The owner shall submit a plan for the use and development of all or part of such tract of land to the Planning and Zoning Commission and the City Council. Any significant change in the site development plan requires approval of the Planning and Zoning Commission and the City Council through a public hearing process. The plan for the proposed development must present a unified and organized arrangement of buildings and service facilities, such that a functional relationship within the property is achieved. The arrangement of buildings and service facilities shall not adversely effect on the use of properties immediately adjacent to the development. Reasonable additional requirements as to landscaping, lighting, signs or other advertising devices, screening, access ways, building setbacks, and height and area limitations may be imposed by the Planning and Zoning Commission for the protection of the adjoining property.

### **ESCROW POLICIES AND PROCEDURES**

The UDC requires that at the time of development, the developer is required to construct and/or upgrade required public improvements such as streets and utilities. The UDC currently allows the City to accept escrow in lieu of construction of upgraded public infrastructure. The cost of the improvements is deposited with the City for a period not to exceed ten years to be utilized with a Capital Improvements Program (CIP) project. If the escrowed funds are not utilized, they are returned to the developer at a one percent interest rate. The current policy allows City staff to accept the escrow, however there is no direction on when to do so and under what conditions. As a result, escrowed funds are returned without the improvements being completed due to a CIP project not being ranked high enough to utilize the funds or a CIP project not existing for the escrowed funds.

City staff and Councilman John Nix have worked on a proposal to ensure that required street improvements are completed at the time of development or in specific circumstances, are escrowed with the inclusion of a surcharge to account for inflation. The current proposal is to allow City staff to accept escrow in lieu of construction in two instances. The first is when the specific improvement is associated with a project on the Half-Cent Sales Tax Fund 231 Ten Year Forecast. This will ensure that the escrowed funds will be utilized within the ten years that it can be held by the City. It will also ensure continuity in the construction of the improvements as one large project. The second instance where escrow will be accepted by the City is when City staff determines that a developer is responsible to construct or improve both sides of a substandard street. In this instance, the developer may voluntarily enter into a developer's agreement to escrow the funds for a period not to exceed 20 years and be subject to any agreed timing of the

**Agenda Number: O-1**

**Page: 3 of 4**

project and conditions as allowed in law. In both instances, the developer will be required to escrow the total cost of the required improvements plus 20 percent at the time of deposit.

In extenuating circumstances, the City Council may grant a waiver to the required improvements. The proposal outlines seven items that the City Council may consider:

- Neighborhood Connectivity and street network
- Drainage
- Topography
- Continuity of neighborhood design
- Access
- Street alignment
- Possible resubdivision of remainder

The proposal also amends the Extraterritorial Jurisdiction (ETJ) development standards for Zone 2. Currently, any developer planning a subdivision along an existing County-maintained road that is substandard is required to upgrade the adjacent street to City standards. As the County standard is lower in terms of width and drainage facilities (ditch instead of curb and gutter), almost all subdivision plats in the ETJ have been accompanied with a waiver to the required improvements and have been approved by the City Council. The proposed changes will exempt existing County Roads from being upgraded to City standard so long as they meet the minimum County standard. Interior streets and new roads that may be turned over to the County for maintenance and will be required to comply with City standards. Any current escrowed funds for County Roads would remain in escrow until such time that they are used or are due to be returned after ten years.

### **APPROVED TREE LIST**

New developments in Tyler are required to provide a minimum number of new tree plantings. Developers can select a variety of different tree species from the approved tree list in the UDC. This approved list is intended to ensure that the trees selected are viable in Tyler's region, are non-invasive species and are not maintenance-intensive to the point that they can potentially cause a code violation should they not be maintained. Planning staff worked with Tyler's Urban Forester to update the approved tree list for the first time since its adoption. A number of trees were moved to different size categories (Large, Medium or Small) and some trees were removed from the list due to known disease outbreaks and lack of viability in an urban environment. Most notably, the Crape Myrtle tree is proposed to be temporarily removed from the list due to the Bark Scale species which is destroying the trees in Texas. The Crape Myrtle Bark Scale has been targeted for research with a \$3.3 million grant to the Texas A&M AgriLife Extension service. Once the disease has been mitigated, the Crape Myrtle may be added back to the list.

### **"PMXD-2" DENSITY**

The "PMXD-2", Planned Mixed Use District was established following the original Tyler 21 Comprehensive Plan as a planning tool for high-density, mixed-use developments at key

**Agenda Number: O-1**

**Page: 4 of 4**

locations in Tyler. These areas include the Downtown Planning Area, South Broadway and Loop 323, and Gentry Parkway and Loop 323. These areas were targeted as areas within the City that would be best suitable for high-density growth and would become future transit hubs and serve regional markets. The “DBAC”, Downtown, Business, Arts and Culture District was created for the Downtown Planning Area to provide land use and bulk standards that would not be restrictive in achieving the high-density potential. The two other areas would utilize “PMXD-2” zoning to achieve high-density growth. However, without considerations for maximum density in “PMXD-2”, it would be possible that these areas become denser than the downtown core, which was not the intent. Therefore, it is proposed that a maximum density of 50 units per acre be established for “PMXD-2” with the ability to request a density bonus through a developer’s agreement to provide a variety of considerations related to affordable housing and additional off-site improvements that have an essential nexus to the demand placed on services by higher-density developments.

The recommendations were initially presented to the Developer’s Round Table on October 12, 2017, to the UDC Review Committee on November 9, 2017, and to the Developer’s Round Table on January 23, 2018. All groups are in general agreement with the recommended changes. On February 6, 2018, the Planning and Zoning Commission held a public hearing on the proposed amendments.

**RECOMMENDATION:**

The Planning and Zoning Commission by a 7-0 vote recommends approval of the requested changes.

**ATTACHMENTS:**

1. Ordinance
2. Exhibit “A”: Update Matrix

**Drafted/Recommended By:  
Department Leader**



**Heather Nick, AICP  
Managing Director**

**Edited/Submitted By:  
City Manager**

**ORDINANCE NO. O-2018-**

**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 RELATING TO ZONING DISTRICTS, USE REGULATIONS, SUBDIVISION DESIGN AND IMPROVEMENTS, DEVELOPMENT STANDARDS, ESCROW POLICIES AND PROCEDURES, ENVIRONMENTAL REGULATIONS, THE TREE LIST, STREETS AND DEVELOPMENT APPROVAL PROCEDURES; 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**, 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 February 6, 2018, 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 B., “Commercial and Mixed Use Districts”, is hereby amended by amending Section 10-25 to read as follows:

**Sec. 10-25. District Purpose Statements**

a. through d. No changes...

e. PMXD-2 Planned Mixed Use District-2

The PMXD-2 district is primarily intended to implement the Tyler 1st Comprehensive Plan by accommodating a combination of high-density office, institutional, retail and service, and residential uses at a maximum density of 50 units per acre that function as a center of economic activity for residents of Tyler, Smith County, and the East Texas region. The PMXD-2 district is intended to be applied in areas designated for high density, mixed-use development on the Future Land Use Guide, namely at or near key intersections of major arterial roadways and in the city center. The PMXD-2 district is further intended to promote the same objectives of the PMXD-1 district listed in Sec. 10-25(d) above, and to also create sufficient residential and employment density within half-mile centers to be “transit-ready” for location of potential future public transit.

All developments created in a PMXD-2 district must be designed and developed in accordance with an approved site development plan or a written narrative detailing the development parameters of sufficient detail that it can be evaluated and submitted for approval to the Planning Commission and City Council. Where narrative is submitted and approved by the City Council, future site plans may be approved by staff when they are consistent with the standards included in the narrative. The district is not intended as a convenience to circumventing regulations set forth in other commercial or residential districts or as a tool for mass variance. A density bonus may be granted with a developer’s agreement subject to approval from City Council (Ord. No. 0-2010-119; 11/10/10) (Ord. No. 0-2018- ; 2/14/18)

f. No changes...

**PART 2:** 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 10-32 to read as follows:

Abbreviation	District Name
AG	Agricultural
AR	Adaptive Reuse
RPO	Restricted Professional Office
POD	Planned Office District
MU-O	Municipal Use Overlay
INT	Institutional
OSP	Open Space and Parkland District
CC-O	Commercial Corridor Overlay
HD-O	Historic District Overlay (Ord. No. 0-2008-147, 11/19/08)

(Ord. No. 0-2012-83; 10/10/12) (Ord. No. 0-2018- ; 2/14/18)

**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 Section 10-33 by re-naming current subsections d. through h. as new subsections e. through i., with no other changes, and adopting a new subsection d. to read as follows:

**Sec. 10-33. District Purpose Statements**

a. through c. No changes...

d. POD Planned Office District

"POD" Planned Office Development District, is established to provide for professional and office facilities in appropriate locations. The "POD" District will be used where office type facilities are needed to serve developing residential communities located throughout the city and shall be designed and developed as a unit according to an approved site plan. Development criteria are required that will ensure a compatible relationship between the "POD" development and the close-by residential areas. The owner shall submit a plan for the use and development of all or part of such tract of land to the Planning and Zoning Commission and the City Council. Any significant change in the site development plan requires approval of the Planning and Zoning Commission and the City Council through a public hearing process. The plan for the proposed development must present a unified and organized arrangement of buildings and service facilities, such that a functional relationship within the property is achieved. The arrangement of buildings and service facilities shall not adversely affect the use of properties immediately adjacent to the development. Reasonable additional requirements as to landscaping, lighting, signs or other advertising devices, screening, access ways, building setbacks, and height and area limitations may be imposed by the Planning and Zoning Commission for the protection of the adjoining property.

Re-order current subsections d. through h. as new subsections e. through i..

(Ord. No. 0-2018- ; 2/14/18)

**PART 4:** 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 by adding provisions related to the “POD District to read as follows, with no other changes:

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

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

(Ord. No. 0-2012-83; 10/10/12) (Ord. No. 0-2014-97; 10/22/14) (Ord. No. 0-2018- ; 2/14/18)

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.(Ord. No. 0-2008-47; 11/19/08)

**PART 5:** 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 10-49 to add provisions related to the “POD” District to read as follows, with no other changes:

### 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
<b>RESIDENTIAL</b>																
<b>Household Living</b>																
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							
<b>Group Living</b>																
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				
Homeless Day Resource Facility							S					S	S			
Rescue Mission/Home					S	S	S	S	S							
<b>PUBLIC/CIVIC</b>																
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				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	
<b>Passenger Terminals</b>																
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		
<b>Public Assembly</b>																
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		
<b>Public Facilities</b>																
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	

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
	<b>Religious Assembly</b>															
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	
<b>School</b>																
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					
<b>COMMERCIAL</b>																
<b>Agriculture</b>																
Stables	X													X	X	
<b>Farming</b>																
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
Livestock Auction Facility	X															S
Livestock Exhibition	T					T										T
Poultry Production	X															S
Tree Farm	X													X		S
<b>Animal Services</b>																
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						
<b>Banks &amp; Financial Services</b>																
Automatic Teller Machine (ATM)		S	X	P	X	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	X					X	X			
<b>Construction Sales and Service</b>																
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			
<b>Eating and Drinking Establishments</b>																
Bakery (Retail)			X	P	X	X	X	P	P	P						
Cafe, Coffee Shop, Tea Room			X	P	X	X	X	P	P	P				X		

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
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		
<b>Entertainment</b>																
<b>Indoor</b>																
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				
<b>Outdoor</b>																
Amphitheater						S	X	S	S	S		S	S	X	S	
Carnivals/Circuses						T	T	T	T	T	T	T	T	T		
Concert Facility						S	X	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			
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			
<b>Funeral and Interment Service</b>																
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				
<b>Gas Station</b>																
<b>Lodging</b>																
Bed & Breakfast		S	S	P	X	X	X	P	P	P						
Campground	S															
Hotel, Motel, Resort						X	X	P	P	P	S					
<b>Medical, Dental, or Optical</b>																
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	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					
<b>Office</b>																
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				

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
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				
<b>Office Park</b>			X	P	X	X	X	P	P	P		X				
<b>Parking Garage/Lot (Commercial)</b>						X	X	P	P	P	X	X	X			
<b>Personal and Consumer Service</b>																
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		
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						
<b>Retail Sales and Service</b>																
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				

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
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						
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 Store					X	X	X	P	P	P						
Video Store					X	X	X	P	P	P						
<b>Self-Service Storage Facility</b>						X	X	S	S	P		X	X			
<b>Sexually Oriented Business</b>												X	X			
<b>Sports and Recreation (Participant)</b>																
<b>Indoor</b>																
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			
<b>Outdoor</b>																
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	

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
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	
<b>Telecommunications/Broadcasting Towers/Buildings</b>					S	S	S	S	S	S	S	S	S			
<b>Vehicle &amp; Equipment Sales, Rental &amp; Service</b>																
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 Display)						X				P		X	X			
Tire Sales & Service Center (w/o Outdoor Display)					X	X	X	P	P	P		X	X			
<b>Motor Vehicle Repair</b>																
Auto and Motorcycle Service Garage						X	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			
<b>Heavy Equipment/Vehicle Sales/ Rental</b>																
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			
<b>INDUSTRIAL</b>																
<b>Manufacturing, Production &amp; Industrial Service</b>																
<b>Limited</b>																
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			

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
Sheet Metal Fabrication Shop												X	X			
Sign Contractor's Shop/Yard						X						X	X			
<b>General</b>																
Acid Manufacturing Plant													X			
Auto/Truck Assembly Plant													X			
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	S		
Sand, Gravel, Stone, Earth, Mineral Sales													X	X		
Textile Mill													X			
Tire Retreading/ Vulcanizing Plant												X	X			
Wood Products Mfg. Plant (10+ Employees)												X	X			
<b>Oil/Gas Treatment</b>																
Oil & Gas Exploration (Drilling Activity)	S	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	S	X	
Oil & Gas Field Equipment Sales/Rental												X	X			
Oil & Gas Treatment/ Processing Plant													X			
Petroleum Refinery													X			
Petroleum Tank Farm													X			
<b>Research Laboratory</b>																
Laboratory Mfg.												X	X			
<b>Warehousing and Wholesaling</b>																
Frozen Food Locker Plant						X				P		X	X			
Hauling & Storage Facility						X				P		X	X			
Warehouse & Distribution Center						X				P		X	X			
<b>Waste and Disposal</b>																
Junk/Salvage Yard													S			
Sanitary Landfill													S	X		
<b>Recycling Facilities</b>																
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. 0-2009-19, 3/11/09) (Ord. No. 0-2011-8; 1/26/11) (Ord.0-2011-45, 6/8/11) (Ord. No. 0-2012-38; 4/25/12) (Ord. No. 0-2013-16, 2/17/16); (Ord. No. 0-2014-113; 12/10/14) (Ord. No. 0-2016-8; 1/27/16) (Ord. No. 0-2018- ; 2/14/18)

**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 10-103, including a new illustration in subsection c., to read as follows:

## Sec. 10-103. Apportionment of Municipal Infrastructure Costs

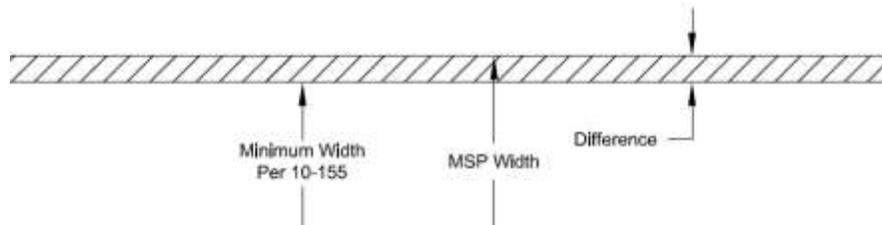
### a. General

~~The costs borne by a developer for any municipal infrastructure improvements required as a condition of approval may not exceed an amount roughly proportional to the cost of infrastructure improvements needed to serve the proposed development. This includes payments made via dedication, fees, or the payment of construction costs.~~ Developers are required to bear the entire cost to design, construct, and install the minimum infrastructure required to service their development. Infrastructure improvements exceeding the minimum requirements to serve the property that are requested by the City as an exaction for development must be roughly proportional to the impact of the development. The required public improvements will be determined by the developer's professional engineer and approved by a professional engineer retained by the City of Tyler.

### b. No changes...

### c. Supply Calculation

To calculate the supply being added to the transportation network by the requested improvements, the length of the street adjacent to the subdivision (in miles) is multiplied by the number of additional lanes being added to the system and multiplied by the traffic capacity which the lane can carry. The length of street adjacent to a subdivision shall be determined by a survey provided by the owner. The number of lanes required for a street shall be based on the adopted Master Street Plan. When the Master Street Plan calls for wider lanes than the minimum requirement according to Sec 10-155, the number of additional lanes used for the supply calculation shall be the difference between the minimum and Master Street Plan widths divided by the width of a single lane.



If additional street width is constructed to allow for on street parking, the developer may get credit for an additional lane of traffic provided that the additional street width is at least nine feet wider than the minimum required street width. The capacity of a street is also based on the street's designation in the Master Street Plan. Table 10-103a lists the capacities for different street designations. (Ord. No. 0-2018- ; 2/14/18)

No changes to Table 10-103.a.

### d. and Table 10-103.b. No changes...

**PART 7:** 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 10-104 to read as follows:

## Sec. 10-104. Waiver of Development Exactions

A property owner or applicant for preliminary or final plat approval may file a petition for relief from a dedication or construction requirement that is applied or imposed as a condition of approval of a ~~conveyance plat, preliminary plat, or final plat~~. The procedures for filing such a waiver are set forth in this code.

### a. Petition for Relief

The property owner or applicant must submit a written petition for relief to the Planning Department ~~planning department~~ at least 10 days prior to the Planning and Zoning Commission's ~~planning and zoning commission's~~ consideration of the plat. The petition must list the reasons for the waiver request and must indicate the dedication and/or construction requirements for which relief is being requested.

An applicant may also submit a petition for relief from conditions of plat approval added by the Commission in its consideration of a plat. This petition must be submitted no later than 10 days following the commission's action.

### b. Consideration of Plat

After receipt of a petition for relief, the Planning Department ~~planning department~~ will schedule consideration of the plat together with development exaction waiver within the 30-day time frame required by state law.

### c. Study Required

The petitioner must provide a study in support of the petition at the time the written petition is filed. The Planning Director ~~planning director~~ may extend the time for submitting the study upon the request of the applicant. The study must include the following information:

1. Total capacity of the City's ~~city's~~ public infrastructure system or improvements to be dedicated to the City ~~city~~ to be utilized by the proposed subdivision, employing standard measures of capacity and equivalency tables that relate to the type of development proposed to the quantity of system capacity. In no case may the calculation of the capacity used by a proposed commercial or multifamily development be based on development intensities less than the mid-point of intensity allowed by the particular zoning for the property or the specific use being sought. If the proposed subdivision is to be developed in phases, such information must be provided for the entire development, including any phases already developed.
2. Total capacity to be supplied to the City's ~~city's~~ public infrastructure system by the proposed dedication of an interest in land or construction of capital improvements. If the development application is part of a phased development, the information must include any capacity supplied by prior dedications or construction of capital improvements.
3. Comparison of the capacity of the City's ~~city's~~ public facilities system to be consumed by the proposed subdivision with the capacity to be supplied by the proposed dedication of an interest in land or construction of capital improvements. In making this comparison, the impacts on the City's ~~city's~~ public facilities system from the entire development will be considered.

4. The effect of any City ~~city~~ participation in the costs of oversizing the capital improvements to be constructed in accordance with the City's ~~city's~~ requirements.

d. Processing of Petition

~~The development services engineer~~ The Engineering Department will evaluate the petition and supporting study and make a recommendation to the Planning and Zoning Commission ~~planning and zoning commission~~ based upon the petitioner's study and his/her own analysis. ~~The development services engineer~~ Engineering may use any reasonable methodology and information in evaluating the petitioner's study. In making a recommendation based on the study the following criteria will be considered:

- Neighborhood Connectivity and street network
- Drainage
- Topography
- Continuity of neighborhood design
- Access
- Street alignment
- Possible resubdivision of remainder

e. Consideration of Petition for Relief

The petition for relief will be considered by the Planning and Zoning Commission ~~planning and zoning commission~~ when the plat is considered. Based upon the application, supporting study and ~~the development services engineer's~~ Engineering's report, the Commission ~~commission~~ will determine whether the application of the regulations for dedication or public improvements is roughly proportional to the nature and impact created by the development. The Planning and Zoning Commission ~~planning and zoning commission~~ will take one of the following actions in considering the petition for relief:

1. Deny the petition for relief, and impose the standard or condition requiring dedication or construction of capital improvements in accordance with the regulations contained within this ordinance.
2. Recommend to City Council approval of the petition for relief, in whole or in part, for any dedication or construction requirement necessary to meet the criteria for final approval.
3. Accept alternative designs for the public infrastructure system or improvements to be dedicated to the City ~~city~~.
4. Delay the imposition of the requirement until ~~the building permit~~ a future phase of development. If a delay is granted, the future phase of development must be clearly defined.

f. Criteria for Approval

The City Council will determine whether the application of the regulations requiring dedication of an interest in land for public improvements or construction of capital improvements is roughly proportional to the nature and extent of the impacts created by the proposed development on such water, wastewater, roadway, or drainage system, and reasonably benefits the development. The Council ~~commission~~ will take into account the evidence submitted by the petitioner and ~~the development services engineer's~~ Engineering's report and recommendation.

g. Appeals

The decision of the ~~Planning and Zoning Commission~~ planning and zoning commission on a petition for relief may be appealed in accordance with Article VIII of this code. An appeal constitutes authorization for the plat to also be placed on the City Council's ~~city council's~~ agenda for consideration and action.

h. No changes...

i. Plat Modification

If a plat for which relief was granted is modified to increase the number of residential units or the intensity of nonresidential uses, ~~the development services engineer~~ Engineering may require a new study to validate the relief. The petition for relief and new study must be submitted and processed according to the procedures outlined above. (Ord. No. 0-2018- ; 2/14/18)

**PART 8:** That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division E., "Participation and Escrow Policies", is hereby amended by amending Section 10-140 to read as follows:

#### **Sec. 10-140. Developer's Responsibility**

a. The developer will be responsible for the entire costs of designing and installing all public improvements which primarily serve the subdivision or addition. Facilities required by these regulations will be considered as primarily serving the subdivision or addition unless otherwise determined by the City ~~city~~.

b. and c. No changes...

d. Street designations (e.g. collector) will be determined based on the Master Street Plan.  
~~d.e.~~ Water and sewer facilities must be extended by the developer in accordance with City Code Chapter 19. (Ord. No. 0-2018- ; 2/14/18)

**PART 9:** That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division E., "Participation and Escrow Policies", is hereby amended by amending Section 10-141 to read as follows:

#### **Sec. 10-141. Facilities Eligible for City Participation**

The developer is encouraged to inquire about City participation at a time before or upon submittal of the preliminary plat. The City may participate in the costs of installing public improvements according to the following schedule:

a. No changes...

b. Drainage

The developer must bear the full cost of all drainage structures including inlets, culverts, storm sewers, manholes, and subdrains required to carry storm drainage or groundwater on or across the property of its origin. The City ~~city~~ may, at its option, participate in the cost of drainage improvements. Participation must be approved individually on the merits of the work and the availability of funds by City Council ~~city council~~. Section 10-569 of this chapter governs the City's ~~city's~~ participation in controlling flooding and erosion with creeks and drainage courses.

c. Paving

The cost of clearing, excavation to a depth of one foot, subgrade stabilization, installing curb and gutter, and paving will be the sole responsibility of developer for standard width streets as set forth in Sec. 10-155. If funds are available, the City ~~city~~ will pay for a proportionate share of the clearing, paving, curb and gutter medians, subgrade stabilization, excavation to a depth of one foot, and drainage structures in excess of 32 feet between the face of curbs in single family residential zoned property, and in excess of 40 feet between the face of curbs in property zoned other than single family residential, if such extra width is required by the City ~~city~~, and upon approval by City Council ~~city council~~ prior to beginning any construction on said street(s).

Where the proposed subdivision is adjacent to both sides of an existing substandard street or road, said street or road being substandard according to City of Tyler's Standard Specifications, the developer will be required to improve the existing street or road to bring same to City ~~city~~ standards, or to replace it with a standard City ~~city~~ street or road, at no cost to the City ~~city~~, other than as set out in the cost-sharing policy of the City ~~city~~ in effect at the time of approval of the final plat. Where the proposed subdivision is adjacent to only one side of a substandard street or road, and/or where, in the City's ~~city's~~ judgment, it is not feasible to reconstruct said substandard street or road at the time of development of said subdivision, the City ~~city~~ may permit the developer to provide the City an escrow payment to city an irrevocable letter of credit for an amount of money equal to the developer's share of the cost of said improvements which will be determined by development services engineer calculated by the developer's engineer and approved by a professional engineer retained by the City of Tyler, as a condition precedent to approval of said final plat of said subdivision, and then, to replace the letter of credit, pay into escrow this amount of money and as a condition precedent to acceptance of the public street or road. (Ord. No. 0-2018- ; 2/14/18)

**PART 10:** That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division E., "Participation and Escrow Policies", is hereby amended by amending Section 10-142 to read as follows:

### **Sec. 10-142. Escrow Policies and Procedures**

#### **a. Eligibility**

As outlined in Sec. 10-103, developers are required to bear the entire cost to design, construct, and install the minimum infrastructure required to service their development. In cases The City may grant the developer relief from constructing the additional improvements only under the following circumstances:

1. Where required street improvements are associated with a project that is listed on the current City of Tyler Half Cent Sales Tax Fund 231 Ten Year Forecast through submission of an escrow deposit.
2. When the City agrees that compliance with the minimum infrastructure required will require that the applicant construct both his/her portion of the street and the other half of the street, the applicant may voluntarily enter into an agreement with the City to accept an escrow deposit for a period not to exceed 20 years, subject to the terms and conditions of such agreement.

#### **a.b. Deposit with City**

Whenever the City ~~city~~ agrees to accept escrow deposits in lieu of construction by the developer of the property under these regulations, the developer must deposit an amount equal to his/her share of the costs of design and construction in escrow with the City ~~city~~ plus an additional 20 percent at time of original deposit. Such amount must be paid prior to release of construction plans by ~~the development services engineer~~ Engineering. In lieu of such payment at such time, the City ~~city~~ may permit the developer to contract with the City ~~city~~ and must agree in such contract that no building permit will be issued for any lot included within said plat, or increment thereof, until the full amount of the escrow is paid, or a pro rata part thereof for the full increment if developed incrementally. The obligations and responsibilities of the developer will become those of developer's transferees, successors and assigns; and the liability, therefore, will be joint and several.

**b.c. Determination of Escrow Amount**

The developer will be required to retain the services of an engineer to calculate the escrow amount based on the required public improvements as referenced in Sec 10-103a. The City may, at its sole discretion, on a case by case basis calculate the required escrow. The amount of the escrow will be determined using best practices for design and construction costs at by using the average of the comparable bids awarded by the city in the preceding six months or, if none exist, then in the preceding year or, if none exists, current market value of construction as determined by an estimate by the development services engineer. Such determination will be made as of the time the escrow is due here under.

**e.d. ~~Termination of Escrow Refunds~~**

~~Escrows which have been placed with the eCity under this section which have been held for a period of 10 years, unless otherwise authorized under Subsection a(2) of this Section, from the date of such payment or agreement, in the event that the city has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, must, upon written request, be returned to the developer, with accrued interest. Such return does not remove any obligations of the developer for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.~~

**d. Refunds**

If any street or highway for which escrow is deposited for is constructed, or is reconstructed by another governmental authority at no cost to the City ~~city~~, the escrowed funds and accrued interest will be refunded to the developer after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City ~~city~~ and the other portion of the cost by another governmental authority, the difference between the developer's actual proportionate cost and the escrowed funds, including accrued interest, if any, will be refunded after completion and acceptance of the improvements.

**e. No changes...**

**f. Payment of Fees, Charges, and Assessments**

As a condition of plat approval, the developer must pay all fees, charges and assessments required to assure adequacy of public facilities to the subdivision or addition, as may be imposed under these or other regulations of the City ~~city~~. (Ord. No. 0-2000-11, 3-1-2000) (Ord. No. 0-2006-19, 2/8/06) (Ord. No. 0-2018- ; 2/14/18)

**PART 11:** That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article IV., “Subdivision Design and Improvements”, Division E., “Participation and Escrow Policies”, is hereby amended by amending Section 10-143 to read as follows:

**Sec. 10-143. Extraterritorial Jurisdiction (ETJ) Development Standards**

a. Zones

The ~~City eity~~ and extraterritorial jurisdiction thereof is hereby divided into four zones in accordance with a map labeled “Extraterritorial Jurisdiction Exhibit A” which is made a part of this code. It is available for review in the ~~e~~City ~~e~~Clerk's office and ~~p~~Planning ~~d~~Department. (0-2004-81, 10/13/04) (0-2005-12, 1/26/05) (Ord. No. 0-2018- ; 2/14/18)

1. Zone 1: Urban Standards

This zone includes all area inside the ~~City eity~~ limits.

2. Zone 2: Suburban Standards

This zone includes all areas within the ETJ lying beyond Zone 1, except for areas that exist solely due to the extension of the ETJ created by the highway right-of-way annexations along U.S. Highway 69 North, and U.S. Highway 271 North, and except for ~~City eity~~ -owned land in the ETJ contiguous to Lake Tyler.

3. No changes...

4. Zone 4. City-Owned ETJ Lands

This zone includes ~~City eity~~ -owned land contiguous to Lake Tyler and within the ETJ. (Ord. No. 0-2018- ; 2/14/18)

b. Extraterritorial Map of the City of Tyler

1.Pursuant to State law, ~~T~~the ETJ Map Exhibit "A" establishing the boundaries of the zones will be reviewed and amended at each annexation. The review may include consideration of the current growth patterns, historical growth of the ~~City eity~~, Tyler 1st Comprehensive Plan, the current urban transportation study, the annual report of the State Highway Department and the current water and sewer extension capacity of the ~~City eity~~. (0-2011-101, 11/16/11) (Ord. No. 0-2012-45; 5/23/12) (Ord. No. 0-2014-33; 4/23/14) (Ord. No. 0-2015-8; 1/14/15) (Ord. No. 0-2018- ; 2/14/18)

2.No changes...

c. Standards for Improvements by ETJ Zone

1. No changes...

2. Zone 2-Suburban

Unless otherwise provided, all provisions of Article IV (Subdivision Design and Improvements) and Article V (Streets and Thoroughfares) will apply, however, Division E relating to design standards for curb and gutter will apply only to new streets being created but not existing County maintained roads. ; Division E. requirements to curb and gutter applicable to new streets being created may be waived by the City Council provided that such waiver would not be harmful to the orderly growth of the city and would be consistent with good planning principles. In considering a waiver, the City Council must consider all related factors including but not limited to the density of

population, the proximity to the city limits, the growth patterns of the city, the proximity of the adjacent subdivisions, the proximity to available city services, and the drainage characteristics of the area. If Division E. requirements to curb and gutter on new streets are waived by the City Council, the Article V., Streets and Thoroughfares, Division E. requirements relating to sidewalks are also waived. (Ord. No. 0-2009-19; 3/11/09) (Ord. No. 0-2010-20; 3/10/10) (Ord. No. 0-2012-38, 4/25/12) (Ord. No. 0-2018- ; 2/14/18)

3. and 4. No changes...

d. No changes...

No changes to List of Annexations...

**PART 12:** 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 10-295 by deleting the current Tables in subsection f. and replacing them with a new Table to read as follows:

**Sec. 10-295. Landscape Area Requirements**

a. through e. No changes...

f. Delete current Tables and replace with a new Table to read as follows:

Large Shade Trees (50+ ft)		Drought Tolerance	Light Exposure			Evergreen/ Deciduous	Growth Rate
			Full Sun	Part Sun/Part Shade	Full Shade		
Common Name	Scientific Name						
Birch, river	<i>Betula nigra</i>	Moderate	X	X			Med
Blackgum	<i>Nyssa sylvatica</i>	High	X	X		D	Slow
Basswood, American	<i>Tilia americana</i>	Moderate	X	X		D	Med
Beech, American	<i>Fagus grandifolia</i>	Moderate	X	X	X	D	Fast
Catalpa	<i>Catalpa spp.</i>	High	X	X		D	Fast
Cherry, black	<i>Prunus serotina</i>	Moderate	X	X		D	Fast
Cottonwood, eastern	<i>Populus deltoides</i>	Moderate	X			D	Fast
Cypress, bald	<i>Taxodium distichum</i>	High	X	X		D	Fast
Cypress, pond	<i>Taxodium ascendens</i>	High	X			D	Fast
Dawn redwood	<i>Metasequoia gkyotostrobooides</i>	Moderate	X			D	Fast
Elm, American	<i>Ulmus americana</i>	High	X	X		D	Fast
Elm, slippery	<i>Ulmus rubra</i>	High	X			D	Fast
Elm, winged	<i>Ulmus alata</i>	High	X	X		D	Fast
Ginkgo (male only)	<i>Ginkgo biloba</i>	High	X	X		D	Slow
Hackberry	<i>Celtic occidentalis</i>	High	X	X		D	Fast
Hickory, bitternut	<i>Carya cordiformis</i>	High	X	X	X	D	Med
Hickory, black	<i>Carya texana</i>	High	X	X		D	Med
Hickory, mockernut	<i>Carya tomentosa</i>	High	X	X		D	Med
Hickory, pignut	<i>Carya glabra</i>	High	X	X		D	Med
Hickory, shagbark	<i>Carya ovata</i>	Moderate	X	X		D	Med
Hickory, water	<i>Carya aquatica</i>	High	X	X		D	Slow
Kentucky coffee-tree	<i>Gymnocladus dioica</i>	High	X			D	Med
Magnolia, southern	<i>Magnolia grandiflora</i>	Moderate	X	X		E	Med
Magnolia, sweetbay	<i>Magnolia virginiana</i>	Moderate	X	X		E	Med
Maple, red	<i>Acer rubrum</i>	Moderate	X	X		D	Med
Maple, silver	<i>Acer saccharinum</i>	High	X	X		D	Med
Oak, black	<i>Quercus velutina</i>	Moderate	X			D	Med
Oak, blackjack	<i>Quercus marilandica</i>	High	X			D	Slow
Oak, bur	<i>Quercus macrocarpa</i>	High	X			D	Med
Oak, cherrybark	<i>Quercus pagoda</i>	Moderate	X	X		D	Med
Oak, chinkapin	<i>Quercus muehlenbergii</i>	High	X			D	Fast
Oak, laurel	<i>Quercus laurifolia</i>	High	X	X		E	Med
Oak, live	<i>Quercus virginiana</i>	High	X	X		E	Med
Oak, Mexican white	<i>Quercus polymorpha</i>	High	X			Semi	Fast
Oak, northern red	<i>Quercus rubra</i>	High	X			D	Fast
Oak, nuttall	<i>Quercus nuttallii</i>	Moderate	X			D	Med
Oak, overcup	<i>Quercus lyrata</i>	Moderate	X	X		D	Med
Oak, pin	<i>Quercus palustris</i>	High	X			D	Med
Oak, post	<i>Quercus stellata</i>	High	X			D	Med
Oak, sawtooth	<i>Quercus accutissima</i>	High	X			D	Med
Oak, shumard	<i>Quercus shumardii</i>	High	X			D	Fast
Oak, southern red	<i>Quercus falcata</i>	Moderate	X			D	Med
Oak, swamp chestnut	<i>Quercus michauxii</i>	Moderate	X	X		D	Med
Oak, swamp white	<i>Quercus bicolor</i>	Moderate	X	X		D	Med
Oak, water	<i>Quercus nigra</i>	High	X	X		D	Fast
Oak, white	<i>Quercus alba</i>	Moderate	X	X		D	Slow
Oak, willow	<i>Quercus phellos</i>	High	X			D	Fast
Pecan	<i>Carya illinoensis</i>	High	X	X		D	Med
Pine, loblolly	<i>Pinus taeda</i>	Moderate	X			E	Fast
Pine, longleaf	<i>Pinus palustris</i>	High	X			E	Med
Pine, shortleaf	<i>Pinus echinata</i>	High	X			E	Med
Pine, slash	<i>Pinus elliottii</i>	High	X	X		E	Fast
Poplar, yellow (tulip)	<i>Liriodendron tulipifera</i>	Moderate	X			D	Med
Sweetgum	<i>Liquidambar styraciflua</i>	Moderate	X	X		D	Med
Sycamore, American	<i>Platanus occidentalis</i>	High	X			D	Fast
Sycamore, Mexican	<i>Platanus racemosa</i>	High	X			D	Fast
Tupelo, water	<i>Nyssa aquatica</i>	Low	X			D	Med
Walnut, black	<i>Juglans nigra</i>	High	X			D	Med
****ALL SPECIES NATIVE OR NATURALIZED TO UNITED STATES							
****OTHER SPECIES POSSIBLE - CONSULT ARBORIST							

Medium Shade Trees (26-49 ft)		Drought Tolerance	Light Exposure			Evergreen/ Deciduous	Growth Rate Slow, Medium, Fast
Common Name	Scientific Name		Full Sun	Part Sun/Part Shade	Full Shade		
Birch, river	<i>Betula nigra</i>	Moderate	X	X		D	Med
Bumelia, woollybucket	<i>Bumelia lanuginosa</i>	High	X			D	Med
Cedar, eastern red	<i>Juniperus virginiana</i>	High	X	X		E	Med
Cherry, laurel	<i>Prunus caroliniana</i>	High	X	X	X	E	Med
Cypress, leyland (non-native)	<i>Cupressocyparis leylandii</i>	High	X	X		E	Fast
Elm, cedar	<i>Ulmus crassifolia</i>	High	X	X		D	Med
Elm, lacebark (non-native)	<i>Ulmus parvifolia</i>	High	X	X		D	Med
Holly, American	<i>Ilex opaca</i>	High	X	X	X	E	Slow
Honeylocust (thornless)	<i>Gleditsia triacanthos</i>	High	X	X		D	Fast
Hophornbeam, eastern	<i>Ostrya virginiana</i>	High	X	X	X	D	Slow
Ironwood	<i>Carpinus caroliniana</i>	Moderate		X	X	D	Slow
Magnolia, southern 'Little Gem'	<i>Magnolia grandiflora</i> 'little gem'	Moderate	X	X		E	Slow
Maple, Florida	<i>Acer barbatum</i>	Moderate	X	X		D	Med
Maple species	<i>Acer spp.#</i>	Varies	-	-	-	-	Varies
Mulberry, red	<i>Morus rubra</i>	Moderate	X	X		E	Fast
Oak, bluejack	<i>Quercus incana</i>	High	X			D	Med
Osage orange (bois d' arc)	<i>Maclura pomifera</i>	High	X			D	Fast
Persimmon, common	<i>Diospyros virginiana</i>	High	X			D	Med
Pistache, Chinese	<i>Pistacia chinensis</i>	High	X	X		D	Med
Sassafras	<i>Sassafras albidum</i>	High	X	X		D	Med
Yellowwood	<i>Cladrastis kentukea</i>	Moderate	X	X		D	Med

# = Certain species only

\*\*\*\*\*ALL SPECIES NATIVE OR NATURALIZED TO UNITED STATES UNLESS NOTED

\*\*\*\*\*OTHER SPECIES POSSIBLE - CONSULT ARBORIST

Small Trees (10-25 ft)		Drought Tolerance	Light Exposure			Evergreen/ Deciduous	Growth Rate Slow, Medium, Fast
Common Name	Scientific Name		Full Sun	Part Sun/Part Shade	Full Shade		
Alder, hazel	<i>Alnus serrulata</i>	Moderate	X			D	Fast
Arrowwood, southern	<i>Viburnum dentatum</i>	Moderate	X	X		D	Med
Buckeye, red	<i>Aesculus pavi</i>	Moderate	X	X	X	D	Med
Buckthorn, Carolina	<i>Rhamnus caroliniana</i>	High	X	X	X	D	Med
Buttonbush, common	<i>Cephalanthus occidentalis</i>	Moderate	X	X		D	Med
Crabapple species (non-native)	<i>Malus spp.</i>	Moderate	X			D	Med
Devil's walkingstick	<i>Aralia spinosa</i>	Moderate	X	X		D	Med
Dogwood, flowering	<i>Cornus florida</i>	Moderate		X	X	D	Med
Dogwood, gray	<i>Cornus racemosa</i>	Moderate		X	X	D	Med
Dogwood, roughleaf	<i>Cornus drummondii</i>	High		X		D	Fast
Dogwood, swamp	<i>Cornus foemina</i>	Low		X		D	Fast
Elder, common	<i>Sambucus canadensis</i>	Moderate	X			D	Med
Fringetree, American	<i>Chionanthus virginicus</i>	Moderate	X	X		D	Slow
Hawthorn, parsley	<i>Crataegus marshallii</i>	Low		X		D	Slow
Holly, dahoon	<i>Ilex cassine</i>	Low	X	X		E	Med
Holly, deciduous	<i>Ilex decidua</i>	High	X	X	X	D	Slow
Holly, yaupon	<i>Ilex vomitoria</i>	High	X	X	X	E	Med

Maple, chalk	<i>Acer leucoderme</i>	High	X	X	X	D	Slow
Maple, Japanese (non-native)	<i>Acer palmatum</i>	Moderate		X	X	D	Slow
Mayhaw	<i>Crataegus opaca</i>	Low	X	X		D	Slow
Pawpaw	<i>Asimina triloba</i>	Moderate		X	X	D	Slow
Plum, chickasaw	<i>Prunus angustifolia</i>	High	X	X		D	Med
Plum, flatwoods	<i>Prunus umbellata</i>	Moderate	X	X		D	Med
Plum, Mexican	<i>Prunus mexicana</i>	Moderate	X			D	Slow
Redbud, eastern	<i>Cercis canadensis</i>	High	X	X		D	Med
Redbud species	<i>Cercis spp.</i>	High	X	X		D	Med
Rusty blackhaw	<i>Viburnum rufidulum</i>	High	X	X	X	D	Slow
Serviceberry, downy	<i>Amelanchier arborea</i>	Moderate	X	X		D	Slow
Silverbell, two-winged	<i>Halesia diptera</i>	Moderate		X	X	D	Med
Smoketree, American	<i>Cotinus obovatus</i>	High	X	X		D	Slow
Smoketree species	<i>Cotinus spp.</i>	High	X			D	Slow
Snowbell, American	<i>Styrax americanum</i>	Moderate		X		D	Med
Sparkleberry	<i>Vaccinium arboreum</i>	High	X	X	X	D	Slow
Stewartia, Virginiana	<i>Stewartia malacodendron</i>	Moderate	X	X	X	D	Slow
Sumac, smooth	<i>Rhus glabra</i>	High	X			D	Med
Sumac, staghorn	<i>Rhus typhina</i>	Moderate	X	X		D	Fast
Sumac, winged	<i>Rhus capallina</i>	High	X	X		D	Med
Tickle-tongue (prickly ash)	<i>Zanthoxylum clava-herculis</i>	High	X	X		D	Med
Viburnum, blackhaw	<i>Viburnum prunifolium</i>	Moderate	X	X		D	Slow
Viburnum, possumhaw	<i>Viburnum nudum</i>	Moderate	X	X		D	Slow
Wax-myrtle, southern	<i>Myrica cerifera</i>	High			X	E	Fast
Witch hazel ,common	<i>Hamamelis virginiana</i>	Moderate	X	X	X	D	Slow

# = Certain species only

\*\*\*\*ALL SPECIES NATIVE OR NATURALIZED TO UNITED STATES UNLESS NOTED

\*\*\*\*OTHER SPECIES POSSIBLE - CONSULT ARBORIST

(Ord. No. 0-2018- ; 2/14/18)

g. No changes...

**PART 13:** That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VII., “Environmental Regulations”, Division D., “Public and Private Utilities”, is hereby amended by amending Section 10-510 to read as follows:

**Sec. 10-510. Easements**

a. No changes...

~~b. Easements shall be provided for both municipal and private utilities and must be recorded on the final plat or replat. Municipal easements for water and sanitary sewer shall be a minimum of ten feet in width. Storm sewer easements shall be a minimum of fifteen feet in width. All municipal easements may be wider as determined by the development services engineer depending on the depth and the size of the utility. Private utility easements must be sized by the utility company. Proper coordination shall be established between the property owner and the applicable utility companies for the establishment of utility easements on adjoining properties.~~

Easements shall be provided for both municipal and private utilities and must be recorded on the final plat or replat. Municipal easements for water, sanitary sewer, and storm sewer not in the public right-of-way shall be as follows:

<u>Depth of Utility Line</u>	<u>Minimum Width of Easement<sup>1</sup></u>
------------------------------	--

<u>0 – 10'</u>	<u>15'</u>
<u>10 – 15'</u>	<u>20'</u>
<u>15 – 20'</u>	<u>25'</u>
<u>&gt; 20'</u>	<u>30' or greater</u>
<u>Notes:</u>	
1. <u>For utility lines greater than 36" diameter, the minimum width of the easement shall be the minimum width as stated above plus the width (OD) of the conduit.</u>	

All municipal easements may be wider as determined by Development Services depending on the size of the utility and/or site-specific conditions. Private utility easements must be sized by the utility company. Proper coordination shall be established between the property owner and the applicable utility companies for the establishment of utility easements on adjoining properties. (Ord. No. 0-2018- ; 2/14/18)

c. No changes...

**PART 14:** 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:

**Sec. 10-590. Review Authority**

Table 10-590 Summary of Review Authority

Application Or Permit	Flood Plain Administrator Building Official	Building Official/Historic Preservation Officer	Development Services Engineer / Traffic Engineer	Planning Director / MPO Executive Director	Historical Preservation Commission	Construction Board of Adjustment & Appeals	Zoning Board of Adjustment (ZBA)	Planning Commission	City Council	Division
<b>Zoning</b>										
Annexation				R				{R}	{D}	Article X., Div. A
Broadcasting/Comm. Towers (SUP)				R				{R}	{D}/{A}	Article III., Div. C
Broadcasting/Comm. Towers (SUP) (Change or Alteration)(Admin)				R/D				{A}	{A}	Article III., Div. C
Special Exceptions (Zoning)				R			{D}			Article X., Div. A
Special Use Permit				R				{R}	{D}{A}	Article IX., Div. A
UDC Text Amendment				R				{R}	{D}	Article VIII., Div. B
Thoroughfare Closure/Street Name Change				R				{R}	{D}	Article V., Div. F
Variance to Zoning				R			{D}			Article VIII., Div. F

Application Or Permit	<del>Flood Plain Administrator</del> <u>Building Official</u>	<del>Building Official</del> <u>Historic Preservation Officer</u>	Development Services Engineer / Traffic Engineer	<del>Planning Director / MPO Executive Director</del>	<del>Historical Preservation Commission Board</del>	Construction Board of Adjustment & Appeals	Zoning Board of Adjustment (ZBA)	Planning Commission	City Council	Division
<del>Appeal of Administrative Decision</del> <u>Zoning Code Interpretation</u>				D			{A}			Article VIII., Div. G
Zoning Map Amendment (Rezoning)				R				{R}	{D}	Article VIII., Div. C
<b>Platting</b>										
<del>Minor Administrative Plat</del>				R/D				{A}	{A}	Article VII., Div. D
Final Plat				R				{D}	{A}	Article VIII., Div. D
<u>Master Street Plan Dedication</u>			R					<u>{D}</u>	<u>{A}</u>	<u>Article V., Div. A</u>
Preliminary Plat				R				{D}	{A}	Article VIII., Div. D
<u>Private Streets/Alleys/Ways</u>			R					<u>{D}</u>	<u>{A}</u>	<u>Article V., Div. D</u>
<u>Street Connectivity</u>			R					<u>{D}</u>	<u>{A}</u>	<u>Article V., Div. C</u>
<u>Subdivision Improvements</u>			R					<u>{D}</u>	<u>{A}</u>	<u>Article IV., Div. A</u>
Waiver of Development Exactions			R	<del>R/D</del>				<u>{R}</u>	<del>{A/D}</del>	Article IV., Div. A
<b>Development</b>										
<u>Drainage/Utility Improvements</u>			<u>R/D</u>						<u>{A}</u> *	<u>Article VII., Div. A</u>
<u>Erosion Control</u>			<u>R/D</u>							<u>Article VII., Div. C</u>
Master Street Plan Amendment				R				{R}	{D}{A}	Article V., Div. A
R = Review or Recommendation    D = Decision    A = Appeal    { } = Decision following a Public Hearing *Except as noted in the relevant Ordinance Section										
<del>Appeal of Off-Street Parking/Loading</del>			<u>R/D</u>	<del>R/D</del>			<u>{A}</u>	<del>{A}</del>		Article <del>IV.</del> , Div. <u>AE</u>
<u>Shared Parking Agreements</u>			<u>R/D</u>						<u>{A}</u> *	<u>Article VI., Div. E</u>
<del>Sidewalks License</del>			R/D						{A}	Article V., Div. E
<u>Street Design Standards</u>			<u>R/D</u>						<u>{A}</u> *	<u>Article V., Div. B</u>
<u>Traffic Impact Analysis</u>			<u>R/D</u>						<u>{A}</u> *	<u>Article V., Div. G</u>
<b>Permitting</b>										
<u>Alcoholic Beverage Permit</u>				<u>R/D</u>					<u>{A}</u> *	<u>Article III., Div. H</u>
<u>Certificate of Occupancy</u>	<u>R/D</u>									<u>Article I., Div. A</u>

Application Or Permit	Flood Plain Administrator/ Building Official	Building Official/ Historic Preservation Officer	Development Services Engineer / Traffic Engineer	Planning Director / MPO Executive Director	Historical Preservation Commission Board	Construction Board of Adjustment & Appeals	Zoning Board of Adjustment (ZBA)	Planning Commission	City Council	Division
Flooding & Flood Damage Development Permit	R/D		R/D			{A}				Article VII., Div. F
<u>Gated Developments</u>			R/D						{A}*	<u>Article IV., Div. C</u>
Grading Permit			R/D			{A}				Article IX., Div. C
<u>Tax Abatement for Historic Landmark Historic District Permit Review</u>		R/D		R	R				{D}	Article XI., Div. B
Outdoor Transient Vendor				R/D			{A}			Article VIII., Div. E
<u>Verify Building Sites Are Platted</u>	R/D									<u>Article I., Div. A</u>
Private Driveway Permit/Variance/ <del>Appeals</del>			R/D						{A}*	Article V., Div. D
Sexually Oriented Business License				R/D			{A}			Article III., Div. C
Sign Permit		R/D		R/D					{A}*	Article IX., Div. D
Temporary Use Permit				R/D			{A}			Article IX., Div. B
<b>Historic Preservation</b>										
Certificate of Appropriateness		R		R	{R}{D}				{D}{A}	Article XI., Div. B
Designation of Historic Landmark		R		R	{R}{D}				{D}	Article XI., 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- ; 2/14/18)

**Sec. 10-591 – 599. Reserved**

**PART 15:** 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 16:** 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, February 16<sup>th</sup>, 2018.

**PASSED AND APPROVED** this the 14<sup>th</sup> day of February, A.D., 2018.

---

MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

A T T E S T:

APPROVED:

---

CASSANDRA BRAGER, CITY CLERK

---

DEBORAH G. PULLUM,  
CITY ATTORNEY

**ATTACHMENT "A"**  
**UPDATE MATRIX**  
 1 of 2

<b>UDC AMENDMENT RECOMMENDATIONS</b>			
Section	Item Changed	How Changed	Whose Suggestion   Potential Effect
<b>SUBSTANTIVE AMENDMENTS</b>			
Article I Introductory Provisions			
Article II Zoning Districts			
10-32, 33, 34	Overlay and Special Purpose Districts	Add "POD", Planned Office District as zoning district	Staff Limits the use of PCD for office uses
Article III Use Regulations			
Article IV Subdivision Design and Improvements			
10-142	Escrow Policies and Procedures	Escrow option can only used: 1. When the required street improvements are associated with an existing project on the 10-year CIP list 2. When the City determines that the street must be completely reconstructed, the developer may enter into a developer's agreement and submit escrow for a 20 year period. Also: - Deposit of escrow to equal developer's share plus 20%.	City Council Ensure that street improvements are constructed and not escrowed and refunded
10-143	ET/J Development Standards	Existing County maintained roads will be exempt from City standards. New streets to serve the subdivision, unless otherwise exempt, will be required to be built to City standard.	City Council Exempts County roads from improvements
Article V Streets and Thoroughfares			
Article VI Development Standards			
10-295	Tree List	Add and remove trees from list Special Event Signage Add language to allow grand opening or special event signage to include feather flags and other attention devices. Limited to three days prior and three days after event. Temporary Sign Permit required.	City Arborist More viable plantings Allow additional temporary signage allowances
10-416	Temporary Sign Types	Temporary Sign Permit required.	Business community
Article VII Environmental Regulations			
10-510	Easements	Add table to specify minimum easement dimensions	TWU Clarity
Article VIII Development Approval Procedures			
Article X Administration and Enforcement			
Article XI Historic Preservation			
Article XII Annexation			
Article XIII Definitions			

**ATTACHMENT "A"  
UPDATE MATRIX  
2 of 2**

<b>UDC AMENDMENT RECOMMENDATIONS</b>				
Section	Item Changed	How Changed		Potential Effect
		Old	New	
UDC Review Committee recommendations highlighted in yellow				
<b>CLARIFICATION AMENDMENTS</b>				
Article I Introductory Provisions				
Article II Zoning Districts				
Article III Use Regulations				
Article IV Subdivision Design and Improvements				
10-103	Apportionment of Municipal Infrastructure Costs		Clarification for rough proportionality	Staff
10-140	Developer's Responsibility		Clarification for Master Street Plan Designation	Staff
10-141	Facilities Eligible for City Participation		Minor text edits	Staff
Article V Streets and Thoroughfares				
Article VI Development Standards				
Article VII Environmental Regulations				
Article VIII Development Approval Procedures				
10-590	Review Authority		Clarify chart by function	Staff Clarity
Article IX Permits and Fees				
Article X Administration and Enforcement				
Article XI Historic Preservation				
Article XII Annexation				
Article XIII Definitions				