

ORDINANCE NO. O-2009-100

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 10, "UNIFIED DEVELOPMENT CODE", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY REVISING SIGN REGULATIONS; ALLOWING ELECTRONIC MESSAGE CENTER SIGNS TO FACE SINGLE FAMILY ZONED PROPERTY WHEN THE SIGN IS FOR AN INSTITUTIONAL USE; 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, 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, 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; and

WHEREAS, the City of Tyler has adopted a Unified Development Code in City Code Chapter 10 governing land use and development; and

WHEREAS, it is important to amend and update the sections related to the electronic message center sign placement for institutional uses and districts, allowing electronic message center signs to face single-family property, in the Unified Development Code;

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 D., "Overlay and Special Purpose Districts", is hereby amended by amending Section 10-33 to read as follows:

Sec. 10-33. District Purpose Statements

- a. No changes...
- b. No changes....
- c. No changes...
- d. No changes...
- e. No changes...
- f. INT Institutional District

The purpose of the INT district is to provide for the development and regulation of medical facilities and hospitals, public buildings, religious institutions, as well as educational facilities and all related and accessory facilities, including classrooms, offices, assembly halls, cafeterias, dormitories, indoor and outdoor recreational facilities, and physical plant. (Ord. No. 0-2009-100; 9/23/09)

- g. No changes...
- h. No changes...
- i. No changes...

PART 2: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI., “Development Standards”, Division H., “Sign Regulations”, is hereby amended by amending the charts in Sections 10-408 and 10-409 to read as follows:

Sec. 10-408. Sign Standards in Residential Districts

Sign Type district/use	Max. Number	Max. Area (sq. ft.)	Max. Height (feet)	Minimum Setback	Additional Requirements
PERMANENT SIGNS					
Wall Sign / Façade Sign					
home occupation sign	1	1			Permit/license/bond not required Sign may be substituted with freestanding sign of same size.
child or adult day care home sign	1	1			
residential beauty shop sign	1	1			
Freestanding Sign					
residential development sign	2	100	8	5	
multi-family development sign	1 per frontage	32	8	5	May be substituted with façade sign of same size per street frontage, or combination thereof.
nursing/convalescent homes	1 per frontage	32	8	5	May be substituted with façade sign of same size per street frontage, or combination thereof.
bed and breakfast, AR district	1	8	8	5	May be substituted with façade sign of same size per street frontage, or combination thereof.
Institutional uses	<u>1</u>	24	<u>8</u>	<u>5</u>	See Sec.10-415 For included uses see Sec. 10-33

Sign Type district/use	Max. Number	Max. Area (sq. ft.)	Max. Height (feet)	Minimum Setback	Additional Requirements
Directional Signs				5	Planning director determines number and size. For car lots, the maximum pole banner is six S.F. and said banners cannot be erected adjacent to rights-of-way or edge of property.
Flags					
R-MF and PMF districts	3	32	24		
all other residential districts	1	32	24		

(Ord. No. 0-2009-100; 9/23/09)

Sec. 10-409. Sign Standards in Nonresidential Districts

Sign Type district/use	Max. Number	Max. Area (sq. ft.)	Max. Height (feet)	Max. Projection or Min. Setback (ft)	Additional Requirements
PERMANENT SIGNS					
Wall Sign / Façade Sign				Projection	
Home occupation	1	1		1	Permit/license/bond not required
Child or adult day care home	1	1		1	Sign may be substituted with freestanding sign of same size.
Residential beauty shop	1	1		1	Sign may be substituted with freestanding sign of same size.
All other uses in RPO district	1 per business or tenant	16		1	
All uses in PMF district	1 per 500' of frontage or fraction thereof	32		1.5	Consistent with approved PMF Site Development Plan
All uses in PCD district	1 per 500' of frontage or fraction thereof	32		1.5	Base zone standards apply; can be modified w/ approved PCD Site Development Plan
All uses in PMXD-1, PMXD-2 districts	1 / 500' of frontage or fraction thereof	32		1.5	Base zone standards apply; can be modified w/ approved PMXD Site Development Plan
All other uses in C-1 district					
100-1999 sq. ft. in façade area	1 / façade	100		1.5	
2000+ sq. ft. in façade area	1 / façade	9% of façade above first floor		1.5	Additional 3% of façade area may be used for ancillary signs.
All other uses in C-2, DBAC, and M districts	1 / frontage				
100-1999 sq. ft. in façade area	1/ frontage	100	na	1.5	Min. clearance 8 ft. above first floor ground level.
2000+ sq. ft. in façade area	1/ frontage	9% of façade above first floor	na	1.5	Additional 3% of façade area may be used for ancillary signs.
on lower two floors of multi-story building		100 sq. ft. per tenant	4		No letter, insignia, or symbol may exceed 48" in height.
on upper floor of façade	1	9% of façade above first floor	4		No letter, insignia, or symbol may exceed 48" in height.
Awning Signs In all commercial, institutional, office, and manufacturing districts	1/ frontage		6	Max 4 ft. projection from wall	Copy area may not exceed 75% of awning length.
Projecting Signs (includes blade	1/ frontage	24	4	See chart	

Vertical Clearance	Max Projection
<7 ft.	3"
7-8 ft	12"

Sign Type district/use	Max. Number	Max. Area (sq. ft.)	Max. Height (feet)	Max. Projection or Min. Setback (ft)	Additional Requirements
signs) C-1, C-2, PCD, M-1, and M-2 districts					
Projecting Signs (includes blade signs) In PMXD-1, PMXD-2, and DBAC districts	1/ frontage	48	15	See chart	
Freestanding Signs				Setback	
Residential developments	2	100	8	5	PZC to determine number, size and location.
Religious institution bulletin boards, RPO district	1	32	8	5	Minimum 10 ft. setback
Multi-family apartment	1/ frontage	32	8	5	May be substituted with façade sign of same size per street frontage, or combination thereof.
Nursing/convalescent homes	1/ frontage	32	8	5	May be substituted with façade sign of same size per street frontage, or combination thereof.
Bed and breakfast	1/ frontage	24	8	5	May be substituted with façade sign of same size per street frontage, or combination thereof.
All other uses, RPO district	1/ frontage	32	25	5	Max. aggregate gross sign area: 48 sq. ft.; when total floor area exceeds 7,500 sq. ft., 1 additional 32 sq. ft. sign is allowed.
All uses in PMF district	1/ frontage	32	8	5	Consistent with approved PMF Site Development Plan
All uses in PCD, PMXD-1, PMXD-2 districts	1/ frontage	200	35	5	Consistent with approved base zoning and PCD Site Development Plan
Development signs, C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 districts	1 per thoroughfare with direct access	300	35	5	Applies to developments of 10 acres or more
Drive-thru menu board sign, C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 district	1 per drive-thru line per business	32	6	8	Must be spaced at least 10' from any other menu board sign
Electronic message center (EMC), C-1 district	1 per lot	32	8	5	See Sec.10-415
Electronic message center (EMC), C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 district	1 per lot	64	8	5	See Sec.10-415
Electronic message center (EMC), INT district	1 per lot	24	8	5	See Sec.10-415 For included uses see Sec. 10-33
All other uses in C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 district	1/ frontage	100	35	5	Additional signage for multiple tenants: 2 sq. ft. per 10 ft. of frontage, up to 200 sq. ft. when district allows building height >35ft., sign may be affixed at allowed building height. 1 reader board sign allowed per lot, up to 32 sq. ft.
MONUMENT SIGNS					
C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 districts	1/ frontage	100	10	2	
In PMF districts	1/ frontage	32	10	2	
DIRECTIONAL SIGNS					
In all nonresidential districts		8	3		Planning director to determine number and

Sign Type district/use	Max. Number	Max. Area (sq. ft.)	Max. Height (feet)	Max. Projection or Min. Setback (ft)	Additional Requirements
					size.
FLAGS					
In all nonresidential districts	3	24	35	5	See Sec. 10-411
TEMPORARY SIGNS					
Commercial Banners in C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2	1	50	6		See Sec.10-416
Commercial Banners - Pole-mounted banners (displayed vertically) in C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2	Set of 10 = 1 Banner	8	4	2	Pole-mounted banners must be placed interior to the lot See Sec.10-416
Decorative noncommercial banners In all districts		50	6	2	Planning director to determine number See Sec. 10-416
Construction Sign	1 per frontage	64	25		Displayed only during construction phase
Development Sign	1 per 30 acres	100	25		Removed upon completion of project
BILLBOARDS					
In M-1, M-2 districts and ETJ	1 per lot within city limits, In ETJ, subject to spacing requirements.	672	35	2 times sign height	See Article VI, Division I

(Ord. No. 0-2009-100; 9/23/09)

PART 3: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI., “Development Standards”, Division H., “Sign Regulations”, is hereby amended by amending Section 10-415 to read as follows:

Sec. 10-415. Electronic Message Center Signs

a. In addition to the standards set forth in Table, all electronic message centers (EMC) signs located in the city must adhere to the following requirements:

1. EMCs must meet all the requirements of this sign code. All EMC signs shall comply with the appropriate City sign and other regulations.

2. The maximum height of any freestanding EMC that is not attached to or part of a multi-part freestanding sign is eight feet. Where an EMC is attached to or part of a multi-part freestanding sign, the maximum sign height will be determined according to the maximum permissible height of the sign type of which the EMC is a part.

3. The maximum area of an EMC sign shall not exceed sixty-four (64) square feet, and is in addition to other sign allowances. As an EMC sign is a form of reader board, the EMC sign square footage may not be coupled with any other form of reader board.

4. Minimum separation between EMC signs is 70’, unless approved by the Planning Director based on visibility needs.

5. EMCs may be used for all or part of an on-premise sign that displays a commercial or noncommercial message. EMCs may not display off-premises commercial advertising;

6. All EMC signs shall have a minimum hold of three (3) seconds, with one (1) second per line of copy.

7. No animation of any type, or flashing light, or "spell on" display mode is allowed on any EMC.

8. All EMC signs shall be antiglare. All EMCs must be equipped with an automatic dimmer device.

9. As measured at the property line, the maximum light emanation from an EMC sign shall be no greater than .2 footcandles.

10. No EMC signs are allowed within or facing historic districts.

11. Any malfunctioning EMC must be turned off or display a blank screen until repaired.

12. All electrical equipment used to operate or install an EMC must be UL listed.

13. All electrical power to an EMC sign must be supplied via underground carrier, inside approved conduit, and must be installed according to the city electrical requirements.

14. All EMC signs shall be kept in good operating condition and maintained with good external appearance.

15. EMC signs must not face single family zoned property consisting of the following zoning designations: R-1A, R-1B, R-1C, R-1D, R-2, PXR and PUR or property used for single family regardless of zoning. Property used for institutional uses regardless of zoning may face single family zoned property or property used for single family.

(a) Property used for institutional uses regardless of zoning is allowed one EMC sign that shall not exceed 24 square feet; display must be turned off between 9:30 p.m. and 6:00 a.m., and the sign shall utilize amber light only.

(b) Where the subject property has multiple frontages, EMC signs must be placed on the frontage with the higher road classification.

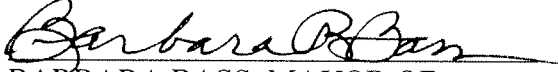
b. If any non-conforming existing EMC sign is damaged so that repairs would cost as much as 60 percent of the value of the sign, the sign may be repaired only if it is brought into conformance with this ordinance. (ORD. 0-97-62, 12/10/97) (Ord. No. 0-2007-94; 7/25/07) (Ord. No. 0-2009-100; 9/23/09).

PART 4: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

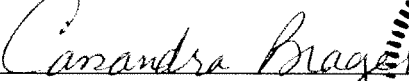
PART 5: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall

continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until 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 September 25, 2009.

PASSED AND APPROVED this the 23rd day of September, A.D., 2009.

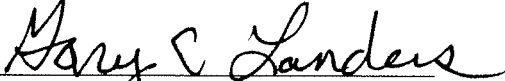

BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


GARY C. LANDERS, CITY ATTORNEY

ORDINANCE NO. O-2009-101

AN ORDINANCE APPROVING THE ASSESSMENT ROLL AND FIXING THE AD VALOREM TAX RATE FOR THE CITY OF TYLER, TEXAS, FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF AND FOR A LIEN ON REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF AD VALOREM TAXES.

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

PART 1: The assessment roll for 2009 for the City of Tyler as compiled by Smith County Appraisal District and as amended by the Appraisal Review board is hereby approved and adopted.

PART 2: That there be and there is hereby levied and ordered collected the sum of \$.204000 ad valorem tax on each One Hundred Dollar (\$100) valuation of all taxable property, real, personal and mixed, within the corporate limits of the City of Tyler, Texas, on January 1st of this year, for the following purposes and the following amounts:

General Fund maintenance and operations \$.204000
TOTAL TAX RATE PER \$100.00
VALUATIONS FOR ALL PURPOSES

PART 3: That there be, and are hereby again set out, authorized exemptions as follows:

- 1. Homestead exemption under 65 - Ten percent (10%) or no less than \$5,000 (see Code section 2-12);
- 2. Homestead exemption over 65 - \$6,000 (see Code section 2-12).
- 3. Historical Preservation exemptions as set out in Code sections 10-793 & 10-794.

PART 4: Said ad valorem taxes shall be due and payable at the time and in the manner provided by the Tyler City Code, Chapter 2, relating to the payment of ad valorem taxes which said ordinances provide for penalties and interest on delinquent taxes.

PART 5: That notice for the public hearings on the proposed budget and property tax rate on the 26th day of August 2009 and on the 9th day of September 2008 was given by publication on the 21st day of August, 2009.

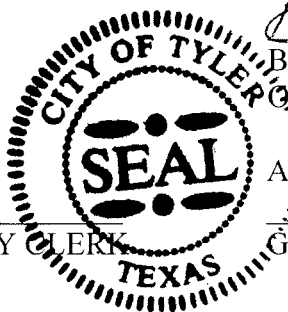
PART 6: That any ordinance, resolution, policy or any provision or section of the Code of the City of Tyler, Texas, as amended in conflict herewith, be and the same is hereby repealed to the extent of any conflict.

PART 7: This ordinance shall become effective upon its approval.

PASSED AND APPROVED this the 23rd day of September, A.D., 2009.

Barbara Bass

BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS



APPROVED: *Gary C. Landers*

GARY C. LANDERS, CITY ATTORNEY

ATTEST

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK