

ORDINANCE NO. O-2010-119

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, TO AMEND REGULATIONS RELATING TO ZONING, USE REGULATIONS, STREETS AND THOROUGHFARES, SUBDIVISION DESIGN AND IMPROVEMENTS, DEVELOPMENT STANDARDS, SIGN REGULATIONS, ENVIRONMENTAL REGULATIONS, HISTORIC PRESERVATION, AND DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; and

WHEREAS, Section 1 of the Tyler City Charter states that the City may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether express or implied, shall be exercised and enforced, in the manner prescribed by the Charter, and when not prescribed by the Charter, in such manner as shall be provided by ordinances and resolutions of the City Council; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, the powers granted to municipalities under Texas Local Government Code Chapter 211, Subchapter A., are for the purpose of promoting the public health, safety, morals, and general welfare, as well as preserving places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, Texas Local Government Code Section 211.003(a)(5) authorizes the governing body of a municipality to regulate the location and use of buildings, or structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, Texas Local Government Code Section 211.007(a) authorizes a zoning commission to recommend boundaries for the original zoning districts, and appropriate regulations for each district; and

WHEREAS, Texas Local Government Code Section 212.002 states that after a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and

WHEREAS, Texas Local Government Code Section 212.003(a) provides that the governing body of a municipality 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, Texas Transportation Code Section 311.001(a) provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, 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 and update existing sections of the Unified Development Code; and

WHEREAS, the appointed UDC Steering Committee reconvened to review and recommend proposed changes to the Unified Development Code; and

WHEREAS, most of recommended amendments to the Unified Development Code were presented to the Developers Roundtable; and

WHEREAS, on September 7, 2010 the Planning and Zoning Commission reviewed the proposed Unified Development Code ordinance and voted to recommend approval;

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

PART 1: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article II, "Zoning Districts", Division A., "Residential Districts", is hereby amended by amending Section 10-21, subsections i. and j., to read as follows, with no other changes:

Sec. 10-21. District Purpose Statements

a. through h. No changes...

i. PXR Planned Mixed Residential

The PXR is primarily intended to provide for medium-density development of innovative forms of detached and attached single-family housing on individually platted lots. The PXR district is also intended to permit, where appropriate pursuant to the Tyler 21 Comprehensive Plan and Future Land Use Guide, a mixture of single-family attached and detached housing types in areas using individually platted lots. The PXR district is not intended as a convenience to circumvent regulations set forth in other residential districts or as a tool for mass variance. (Ord. No. 0-2010-119; 11/10/10)

j. PMF Planned Multifamily District

The PMF district is primarily intended to provide for the medium- to high-density development of condominiums, apartments, and nursing homes. A PMF development may include common open spaces, scenic and recreational areas. The PMF district is not intended as a convenience to circumvent regulations set forth in other residential districts or as a tool for mass variance. (Ord. No. 0-2010-119; 11/10/10)

PART 2: That Tyler City Code Chapter 10, “Unified Development Code”, Article II., “Zoning Districts”, Division A., “Residential Districts”, is hereby amended by amending Table 10-23 in Section 10-23 by amending the R-1D Column adjacent to the Minimum street frontage (ft) and Minimum frontage (ft.) to legal access categories, with no other changes to the Table:

Table 10-23. Dimensional Standards for Residential Districts

Residential Districts	R-1D
Minimum street frontage (ft.)	35
Minimum frontage (ft.) to legal access	35

(Ord. 0-2010-20, 3/10/10) (Ord. No. 0-2010-119; 11/10/10)

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

- [1] No changes...
- [2] No changes...
- [3] No changes... (Ord. 0-2010-20; 3/10/10) (Ord. No. 0-2010-119; 11/10/10)

PART 3: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article II., “Zoning Districts”, Division B., “Commercial and Mixed Use Districts”, by amending subsections d., e. and f. of Section 10-25 to read as follows, with no other changes:

Sec. 10-25. District Purpose Statements

- a. through c. No changes...
- d. PMXD-1 Planned Mixed-Use District-1
 - No changes
 - 1. No changes...
 - 2. No changes...
 - 3. No changes...
 - 4. No changes...
 - 5. No changes...

All developments created in a PMXD-1 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 circumvent regulations set forth in other commercial or residential districts or as a tool for mass variance. (Ord. No. 0-2010-119; 11/10/10)

e. PMXD-2 Planned Mixed Use District-2

No changes...

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 circumvent regulations set forth in other commercial or residential districts or as a tool for mass variance. (Ord. No. 0-2010-119; 11/10/10)

f. PCD Planned Commercial Development District

The purpose of the PCD district is to provide for the development of planned commercial facilities. The PCD district will be designated where retail and commercial facilities are needed throughout the city. All developments created in a PCD district must be designed and developed as a unit according to an approved site development plan. The district is not intended as a convenience to circumvent regulations set forth in other commercial districts or as a tool for mass variance. (Ord. No. 0-2010-119; 11/10/10)

PART 4: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article III, "Use Regulations", Division G, "Chapter Exceptions", is hereby amended by amending subsection c. of Section 10-92 to read as follows, with no other changes:

Sec. 10-92. Exceptions

a. through b. No changes...

c. Front Yards

1. No changes...

2. No changes...

3. The front yards heretofore established in R-1A, R-1B, R-1C, R-1D, PUR and PXR districts shall be reduced to 10 feet if:

(a) No changes...

(b) No changes...

- (c) the building does not encroach on a 15-foot sight visibility triangle. (Ord. No. 0-2010-119; 11/10/10)

d. through e. No changes...

PART 5: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article V., “Streets and Thoroughfares”, Division A., “Master Street Plan”, is hereby amended by amending Note 3 of Table 10-155 of Section 10-155 to read as follows, with no other changes:

Table 10-155. Minimum Paving Widths

No changes to Table

Note 1: No changes...

Note 2: No changes...

Note 3: Commercial use shall be based on the following Zoning Districts: R-MF, C-1, C-2, DBAC, M-1 and M-2. If a street fronts along a commercially zoned district on one side of the street and on a residentially zoned district on the other, then both sides must plat the street as a C or D street, as applicable. If a street fronts along lots that are a mixture of both commercial and residential zoning, then both sides must plat the street as a C or D street, as applicable. (Ord. No. 0-2010-119; 11/10/10)

PART 6: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article V., “Streets and Thoroughfares”, Division D., “Private Streets, Alleys, and Drives”, is hereby amended by amending subsections c. and e. of Section 10-217 to read as follows, with no other changes:

Sec. 10-217. Minor Driveways

In addition to the following requirements, minor driveways on state highways must comply with the Texas Department of Transportation Access Management Manual and any other applicable state and federal laws. (Ord. No. 0-2006-70; 8/9/06)

a. through b. No changes....

c. Location

1. No changes...

2. See Table 10-211.g. for distance between driveway and nearest intersection. Distance is measured from the end of the driveway curb radius to end of the intersection curb radius. (Ord. No. 0-2010-119; 11/10/10)

3. No changes....

- d. No changes...
- e. Minor Driveway Standards

The following standards apply to all minor driveways providing ingress or egress to a public or private street.

- 1. No changes...
- 2. A second driveway opening is permitted on corner lots, provided that no off-street parking areas are located in the sight triangle area as described by this code. (See Sec. 10-218). (Ord. No. 0-2010-119; 11/10/10)
- 3. No changes...
- 4. No changes...

PART 7: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article V., “Streets and Thoroughfares”, Division D., “Private Streets, Alleys, and Drives”, is hereby amended by amending Section 10-217, subsection e. by adding a section reference and 10-218, subsection f., by amending the wording below the graphic below Table 10-218 to read as follows, with no other changes:

Sec. 10-217. Minor Driveways

No changes....

a. through d. No changes....

e. Minor Driveway Standards
No changes...

1. No changes...

2. A second driveway opening is permitted on corner lots, provided that no off street parking areas are located in the sight triangle area as described by this code (See Sec. 10-218) (Ord. No. 0-2010-119; 11/10/10)

Sec. 10-218. Major Driveways

No changes....

a. through d. No changes...

f. Major Driveway Standards

No changes to Section or Table 10-218 Sight Distance Table.
No changes to Graphic below Table 10-218 Sight Distance Table.

Sight Distance

Note: Where no stop sign or stop bar exists, reference the Texas Manual on Uniform Traffic Control Devices, Stop and Yield Lines Section, to establish stop location.

(Ord. No. 0-2010-119; 11/10/10)

PART 8: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI., “Development Standards”, Division B., “General Requirements”, is hereby amended by amending the following portions of the Table in Section 10-321, with no other changes:

Sec. 10-321. General Requirements

- a. through d. No changes...

Required Bufferyard Type by Adjacent Zoning District

District

C-2, DBAC*, PCD, PMXD-2

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

*Buffer yards are only required in DBAC when adjacent to residential districts. Requirement may be waived upon the submittal of a letter of support from adjacent, affected property owner.
(Ord. No. 0-2009-19); 3/11/09); (Ord. No. 0-2010-119; 11/10/10)

PART 9: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI., “Development Standards”, Division B., “Bufferyards”, is hereby amended by amending Section 10-322 to read as follows:

Sec. 10-322. Bufferyard Types

- a. “Type A” Bufferyard
 - 1. No changes...
 - 2. Type A Bufferyard Composition
 - A “Type A” buffer yard must consist of the following:
 - (a) No changes...
 - (*No change to Illustration*)
 - (b) No changes...

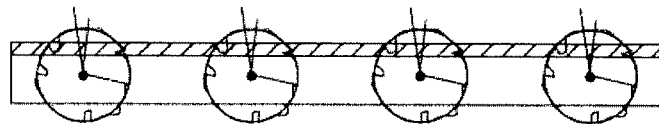
(No change to Illustration)

(c) No changes...

(No change to Illustration)

(d) A 5-foot-wide planting area with an average of one medium or large evergreen tree of 6" DBH or larger at a maturity for each 50 linear feet of buffer yard spaced no more than 35 feet apart to provide additional screening above a required solid six-foot screening wall constructed of brick, stone, reinforced concrete, or other similar two-sided masonry materials. Wood (redwood, cedar, or other preservative pressure treated wood), may be used as long as a continuous masonry wall (one foot height minimum) on a concrete footer is installed. The wooden panels must be separated by masonry columns spaced no further apart than 20 feet. (Ord. No. 0-2010-119; 11/10/10)

(Add a New Illustration as follows)



Type A Buffer, 5' x 100'

b. "Type B" Bufferyard...

1. No changes...

2. Type B Bufferyard Composition

A Type B bufferyard must consist of one of the following:

(a) No changes...

(No change to Illustration)

(b) No changes...

(No change to Illustration)

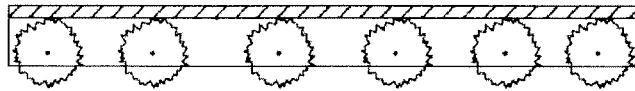
(c) No changes...

(No change to Illustration)

(d) A 10-foot-wide planning area with an average of one medium or large evergreen tree of 6" DBH or larger at maturity for each 50 linear feet of buffer yard, spaced no more than 35 feet apart to provide additional screening above a required solid six-foot screening wall constructed of brick, stone, reinforced concrete, or other similar two-

sided masonry materials. Wood (redwood, cedar, or other preservative pressure treated wood), may be used as long as a continuous masonry wall (one foot height minimum) on a concrete footer is installed. The wooden panels must be separated by masonry columns spaced no further apart than 20 feet. (Ord. No. 0-2010-119; 11/10/10)

(Add new Illustration as follows)



Type B Buffer, 10' x 100'

(Ord. No. 0-2010-119; 11/10/10)

c. No changes...

PART 10: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI., “Development Standards”, Division C., “Fences and Walls, is hereby amended by amending Section 10-331 to read as follows:

Sec. 10-331. Required Conditions

In all cases, fences and walls must meet the following:

a. Location and Height

1. No changes...
2. Fences must not be designed or constructed so as to interfere with traffic sight visibility. Fences determined to cause immediate danger may be removed by the city. (Ord. No. 0-2010-119; 11/10/10)
3. No changes...
4. No changes...
5. There are certain circumstances, however, whereby the maximum height of a fence erected in the designated front and side yards of a lot which is zoned residential may exceed the four foot maximum height limitation. In these circumstances, all fencing or walls must not interfere with traffic sight visibility or public safety. (Ord. No. 0-2010-119; 11/10/10)

b. through e. No changes...

PART 11: That Tyler City Code Chapter 10, “Tyler Unified Development Code, Article VI., “Development Standards”, Division D., “Screening”, is hereby amended by amending Section 10-342 to read as follows:

Sec. 10-342. Parking Lots

No changes...

- a. No changes...
- b. Screening must be at least three feet in height as measured at the bounding property line to the residentially zoned property or where the residential grade is lower, measured at the edge or head of the business parking area, and be achieved through one of the following methods:
- c. No changes...
- d. A planting screen or hedge comprised of drought and freeze-resistant shrubs must be used as identified in the approved shrub list for parking lot screening. Other plants may be used with the approval of the planning director.

Add a new Table as follows:

Approved Shrub List for Parking Lot Screening

Common Name	Scientific Name	Evergreen	Light	Plant Height
Aucuba (Gold Dust Aucuba)	Aucuba japonica	Y	Partial to full shade	3 – 6 feet
Camellia	Sasanqua	Y	Partial shade	3 – 6 feet
Elaeagnus	Macrophylla	Y	Full sun to partial shade	6 – 8 feet
Holly (Dwarf Burford) (Dwarf Yaupon), (Dazzler), (Bernes Jubilee), or other varieties	Ilex cornuta	Y	Sun to partial shade	3 – 6 feet (dwarf varieties) 8 – 20 feet
Indian Hawthorn	Raphiolepis indica	Y	Full sun to partial shade	3 – 6 feet
Juniper	Juniperus spp	Y	Sun	3 – 6 feet
Mahonia (Leatherleaf)	Bealei	Y	Sun to partial shade	5 – 7 feet
Nandina	Nandina domestica	Y	Full sun to partial shade	3 – 6 feet

e. through h. No changes...

(Ord. No. 0-2010-119; 11/10/10)

PART 12: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI., “Development Standards”, Division E., Off-Street Parking and Loading”, is hereby amended by amending Section 10-351 to read as follows:

Sec. 10-351. General Requirements

- a. Through e. No changes...

f. In all districts, except DBAC, there shall be provided at the time of any occupancy of a building or land use change, a sufficient number of parking spaces to meet the parking requirements of the new occupancy or land use, unless otherwise stated in this Article. (Ord. No. 0-2010-119; 11/10/10)

g. through i. No changes...

PART 13: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI., “Development Standards”, Division E., “Off-Street Parking and Loading”, is hereby amended by amending the following portions of Table 10-360 of Section 10-360 as follows, with no other changes:

Table 10-360 Off-Street Parking Requirements

Use Category	Specific Use	General Requirement	Additional Requirement
Residential Uses			
Public and Civic Uses			
Educational facilities	Group day care home		

(Ord. No. 0-2010-119; 11/10/10)

PART 14: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI., “Development Standards”, Division G., “Parking Design and Construction Standards”, is hereby amended by amending Section 10-389 to read as follows:

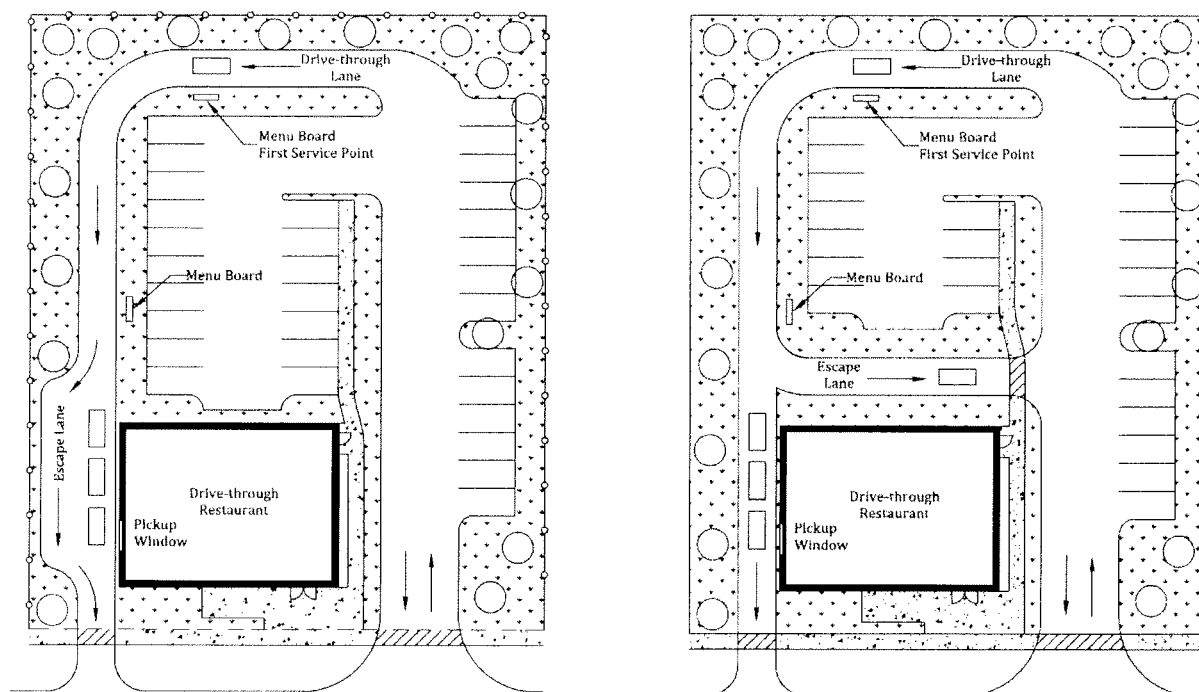
Sec. 10-389. Drive-Through Stacking Requirements

- a. No changes...
- b. No changes...
- c. No changes...
- d. No changes...
- e. No changes...
- f. No changes...

g. Stacking Lane Design and Layout

1. No changes...
2. No changes...
3. No changes...
4. No changes...
5. Layout must provide for a minimum nine feet wide escape lane allowing motorists to exit the stacking lane before reaching the drive-thru window.
(Ord. No. 0-2010-119; 11/10/10)

Add a Diagram as follows:



Example Layouts

6. Stacking spaces necessary for the provisions of drive-through lanes shall be determined using the following table:

No changes to Table 10-389 Required Stacking Spaces
(Ord. No. 0-2010-119; 11/10/10)

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

PART 15: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI, “Development Standards”, Division H, “Sign and Billboard Regulations”, is hereby amended by amending Section 10-401 to read as follows:

Sec. 10-401. General Sign Regulations

- a. The regulations governing the size, height, number, location, and placement of signs herein are calculated to ensure that all private, public, institutional, commercial, and industrial facilities located in the city have the right to display adequate signs consistent with the need to identify the facility, advertise the location, and indicate services and products available on the premises.

- b. Except where noted: in this section, all signs erected within the city will be subject to the following general requirements:
 - 1. No changes...
 - 2. No changes...
 - 3. Electric signs, section signs, and outline lighting must be erected or installed by a State Licensed Electrical Sign Contractor. The company’s municipal registration to erect signs with the city shall be filed with the City of Tyler Development Services Department. Additionally, a sign contractor who erects or installs electric signs, section signs or outline lighting must have a valid Master Electrician’s license or a Master Sign Electrician’s license on staff to perform work on any electric sign. All electrical signs and outline lighting shall be listed and installed according to the City adopted building codes.
 - 4. No sign base or support structure of any sign type is allowed in the public right of way in any zoning district.

Add a Graphic as follows:



- 5. Facade signs and other signs affixed to a building or structure shall not protrude above the midpoint of the principal roof line of a pitched roof or

the top of a mansard roof or flat roof for any building or structure. Façade signs shall be allowed for each tenant that has a direct, outside entrance or storefront. Sign placement is limited to the extent of the bay or storefront.

6. No changes...
7. No changes...
8. Signs that are historically designated shall not be counted towards maximum sign allowance. (Ord. No. 0-2009-19; 3/11/09) (Ord. No. 0-2010-20, 3/10/10) (Ord. No. 0-2010-119; 11/10/10)

PART 16: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article VI., "Development Standards", Division H., "Sign and Billboard Regulations", is hereby amended by amending Sections 10-403, 10-404, 10-407, 10-408 and 10-409, to read as follows:

Sec. 10-403. Prohibited Signs

All signs not expressly permitted under this code or exempt from regulation hereunder in accordance with the previous section are prohibited in the city. Such signs include, but are not limited to:

- a. through e. No changes...
- f. Signs violating the "sight triangle" provisions (see Sec. 10-218);
- g. through i. No changes...
- j. Snipe signs.
(Ord. No. 0-2010-20, 3/10/10) (Ord. No. 0-2010-119; 11/10/10)

Sec. 10-404. Sign Measurements

The following principles will control the computation of sign area and sign height:

- a. No changes...
- b. No changes...
- c. No changes...
- d. Computation of Maximum Total Permitted Sign Area

The permitted sum of the area of all individual signs must be computed by applying the zoning district formulae contained in sections 10-408 and 10-409 for maximum area per sign, to the lot frontage, building frontage, or wall area, as appropriate. Lots fronting on two or more streets are allowed to calculate both street frontages into the allowable allocation to be identified by the master signage plan.

- e. Computation of Maximum Number of Signs

Pursuant to the tables in sections 10-408 and 10-409 each lot is allocated the maximum number of signs allowed per district. Where indicated, additional signs beyond the identified allowance will be determined by the linear frontage of the lot. (Ord. No. 0-2010-119; 11/10/10)

Sec. 10-407. Abandoned Signs

- a. No changes...
- b. No changes...
- c. No changes...
- d. No changes...
- e. Signs eligible for an historic sign designation are not subject to this section. (Ord. No. 0-2010-119; 11/10/10)

Sec. 10-408. Sign Standards in Residential Districts

<i>Sign Type district/use</i>	<i>Max. Number</i>	<i>Max. Area (sq. ft.)</i>	<i>Max. Height (feet)</i>	<i>Minimum Setback</i>	<i>Additional Requirements</i>
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	Any signs proposed within the r.o.w. require a street use license approved by City Council
Multi-family development sign	1/frontage	32	8	5	May be substituted with façade sign of same size with a maximum projection of 1.5 feet -or combination thereof. Planned developments must comply with approved Site Development Plan.
Group living	1/frontage	32	8	5	May be substituted with façade sign of same size per street frontage, or combination thereof.
Bed and breakfast, AG and AR district	1	8	8	5	May be substituted with façade sign of same size per street frontage, or combination thereof.
Religious institutional uses	1	32	8	5	May be substituted with façade sign of same size per street frontage, or combination thereof.
Electronic message center (EMC), Institutional uses	1	24	8	5	See Sec. 10-415 For included uses see Sec. 10-33 (Ord. 0-2009-100, 9/23/09)

Monument Signs					
In PMF districts	1/frontage	32	10	2	Must comply with approved Site Development Plan.
Directional Signs					
Multi-family developments					Planning director determines number and size.
Flags					
In all residential districts	3	24	35	5	See Sec. 10-411
Temporary Signs					
On-premise commercial advertising in R-MF and PMF	1	50	6		See Sec. 10-416 One banner is allowed per lot, per street frontage. If the lot has more than 500 feet of frontage, one banner per 500 feet of frontage may be displayed on the same lot.
Decorative noncommercial banners		50	6		Planning director to determine number See Sec. 10-416.
Construction sign	1/ frontage	64	25	5	Displayed only during construction phase.
Development sign	1/30 acres	100	25	5	Removed upon completion of project.
Real estate sign for single-family and two-family	1/ frontage	6	3	2	
Real estate sign for multi-family	1/frontage	32	10	2	Developments of 10 acres or more are allowed one 64 SF sign per 500 ft. of frontage. Signs may not exceed 15 feet in height.

(Ord. No. 0-2010-20, 3/10/10) (Ord. No. 0-2010-119; 11/10/10)

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	
RPO district	1/business or tenant	16		1	Max. aggregate gross sign area: 48 sq. ft.; when total floor area exceeds 7,500 sq. ft., 1 additional 32 sq. ft. business directory sign is allowed.
All uses in PCD, PMXD-1, and PMXD-2 districts	1 / 500' of frontage or fraction thereof	32		1.5	Base zone standards apply; can be modified w/ approved Site Development Plan.
C-1 district					
100-1999 sq. ft. in façade area	1 / façade	100		1.5	

Sign Type district/use	Max. Number	Max. Area (sq. ft.)	Max. Height (feet)	Max. Projection or Min. Setback (ft)	Additional Requirements	
2000+ sq. ft. in façade area	1 / façade	9% of façade		1.5	Additional 3% of façade area may be used for ancillary signs.	
INT, OSP, C-2, DBAC, and M-1 and M-2 districts districts	1 / façade					
100-1999 sq. ft. in facade area	1/ façade	100	na	1.5	Min. clearance 8 ft. above first floor ground level.	
2000+ sq. ft. in façade area	1/ façade	9% of façade	na	1.5	Additional 3% of façade area may be used for ancillary signs.	
On lower two floors of multi-story building	1/tenant	100	4		Tenant must have a direct, outside entrance or storefront. No letter, insignia, or symbol may exceed 48" in height.	
On upper floor of façade	1/facade	9% of façade above the first floor	4		Shall announce the name of the building or the name of the principal tenant. 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	See Sec. 10-414	
Projecting Signs (includes blade signs) INT, C-1, C-2, PCD, M-1, and M-2 districts	1/ tenant	24	4	See chart	Vertical Clearance	Max Projection
					<7 ft.	3"
					7-8 ft.	12"
Projecting Signs (includes blade signs) In PMXD-1, PMXD-2, and DBAC districts	1/ frontage	48	15	See chart	>8 ft.	4'
Freestanding Signs				Setback		
Group living	1/ frontage	32	8	5	May be substituted with façade sign of same size or combination thereof.	
Bed and breakfast	1/ frontage	24	8	5	May be substituted with façade sign of same size or combination thereof.	
All other uses in RPO district	1/ frontage	32	25	5		
All uses in PCD, PMXD-1, and PMXD-2 districts	1/ frontage	200	35	5	Consistent with approved base zoning and Site Development Plan	
Development signs, C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 districts	1/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 /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 /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 /lot	64	8	5	See Sec. 10-415	

Sign Type district/use	Max. Number	Max. Area (sq. ft.)	Max. Height (feet)	Max. Projection or Min. Setback (ft)	Additional Requirements
Electronic message center (EMC, institutional uses and INT district)	1 / lot	24	8	5	See Sec. 10-415 For included uses see Sec. 10-33 (Ord 0-2009-100, 9/23/09)
All other uses in INT, OSP, 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					
INT, OSP, C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 districts	1/ frontage	100	10	2	
DIRECTIONAL SIGNS					
In all nonresidential districts					Planning director to determine number and size.
FLAGS					
In all nonresidential districts	3	24	35	5	See Sec. 10-411
TEMPORARY SIGNS					
On-premise commercial advertising in RPO, C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, M-2	1	50	6		One temporary sign is allowed per lot, per street frontage. If the lot has more than 500 feet of frontage, one temporary sign per 500 feet of frontage may be displayed on the same lot.
Commercial Banners - Pole-mounted banners (displayed vertically) in C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1 and M-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		Planning director to determine number See Sec. 10-416
Construction sign	1 /frontage	64	25	5	Displayed only during construction phase
Development sign	1/30 acres	100	25	5	Removed upon completion of project
Real estate sign for multi-family and nonresidential Districts	1 /frontage	32	10	2	Developments of 10 acres or more are allowed one 64 SF sign per 500 ft. of frontage. Signs may not exceed 15 ft. in height.
Sandwich board signs in DBAC	1	8	6		
BILLBOARDS					

Sign Type district/use	Max. Number	Max. Area (sq. ft.)	Max. Height (feet)	Max. Projection or Min. Setback (ft)	Additional Requirements
In M-1, M-2 districts and ETJ	1 / lot within city limits, In ETJ, subject to spacing requirements.	672	35	2 times sign height	See Sec. 10-430

(Ord. No. 0-2010-20, 3/10/10) (Ord. No. 0-2010-119; 11/10/10)

PART 17: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VI., “Development Standards”, Division H., “Sign and Billboard Regulations”, is hereby amended by amending Sections 10-410 through 10-411, and Sections 10-415 through 10-416, to read as follows:

Sec. 10-410. Master Signage Plans

No changes...

a. Applicability

A master signage plan is required for all multiple-tenant buildings, planned district developments, and all multi-building or multi-occupant commercial developments. (Ord. No. 0-2010-119; 11/10/10)

b. No changes...

c. No changes...

d. No changes...

e. No changes...

f. No changes...

Sec. 10-411. Flags

Flags and flag poles are considered signs and are therefore subject to these regulations:

a. No changes...

b. No changes...

c. No changes...

d. No changes...

e. No changes...

f. No changes...
(Ord. No. 0-2010-20; 3/10/10) (Ord. No. 0-2010-119; 11/10/10)

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. No changes...
 - 2. No changes...
 - 3. No changes...
 - 4. No changes...
 - 5. No changes...
 - 6. All EMC signs shall have a minimum hold of three (3) seconds, plus one (1) second for each additional line of copy over three (3) lines. (Ord. No. 0-2010-119; 11/10/10)
 - 7. through 15. No changes...
- b. No changes...

Sec. 10-416. Temporary Signs and Holiday Decorations

- a. No changes...
- b. Temporary Sign Types
 - 1. Commercial Banners and Coroplast Signs

Commercial banners and coroplast signs are subject to the requirements set forth in the table in Sec. 10-409 and of this section. There are two types of commercial banners:

- (a) No changes...
- (b) No changes...

For the purposes of this section, a set or group of up to 10 pole-mounted banners will be considered a single banner. (Ord. No. 0-2010-119; 11/10/10)

- 2. No changes...

3. No changes...

PART 18: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VII., “Environmental Regulations”, Division B., “Low Impact Development Alternative”, is hereby amended by amending Section 10-492 to read as follows:

Sec. 10-492. Development Incentives and Alternative Standards

1. No changes...
 2. No changes...
 3. No changes...
- a. Residential Development No changes...
 - b. Off-Street Parking and Loading

The following stormwater management options are available for off-street parking and loading areas.

1. Alternative Pavement Construction

For most types of development, this code requires that off-street parking and circulation lanes be constructed of asphalt or concrete. Permeable pavement and associated drainage system, such as modular porous pavers or porous concrete may be used. Only developments that have minimum required parking of a certain size (e.g., 100 spaces or more) would eligible for this permeable pavement option. Gravel parking is not an acceptable permeable pavement and must not be used for parking and/or circulation lanes, except where allowed in this code. Developments may utilize alternative pavement construction for parking in excess of Code requirements regardless of size. This alternative pavement construction requires professional installation according to manufacturer’s specifications. Alternative pavement options must be maintained according to manufacturer’s specifications and must be in compliance with Tyler City Code Chapter 18, Article II., Weeds and Debris. (Ord. No. 0-2010-119; 11/10/10)

2. Parking Reduction No changes...
3. Excess Parking No changes...
4. Landscaping Requirements No changes

PART 19: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article XI., “Historic Preservation”, Division A., “Designation of Landmarks and Districts”, is hereby amended by amending Sections 10-780, and Sections 10-782 through 10-783, to read as follows:

Sec. 10-780. Historic Landmarks

- a. The City Council finds that the recognition and preservation of historic landmarks is in the public interest and serves to promote the welfare of the community. The purpose of is to preserve the historic structures of the community through a voluntary program of owner participation, and to carry out the City's responsibilities as a Certified Local Government. (Ord. No. 0-2010-119; 11/10/10)
- b. No changes...

Sec. 10-782. Designation of Historic Landmarks

- a. through c. No changes...
- d. In considering a structure, site or area for designation in the Tyler historic landmark register, the board will consider the following:
 - 1. through 14. No changes...

(Ord. No. 0-98-81, 10/7/98) (Ord. No. 0-2009-99; 9/23/09) (Ord. No. 0-2010-119; 11/10/10)

e. In considering a sign for designation in the Tyler Historic Landmark Register, the Board will consider the following:

- 1. The sign has been in continuous existence at its present location for not less than fifty years and the sign has not been significantly altered.
- 2. The sign is structurally safe or is capable of being made so without substantially altering its historic significance.
- 3. The continued existence of the sign is encouraged and is beneficial to the public good. (Ord. No. 0-2010-119; 11/10/10)

Sec. 10-783. Removal of Landmark Status by City Council

- a. Property Owner's Authority to Request Removal

Any person or entity, that owns a majority interest in a historic building, structure or site as designated on the Tyler historic landmark register may have such property stricken from the register by notifying the Board in writing.

- b. City Council Authority to Initiate Removal of Landmark Status

If, after a hearing, the board determines that an owner or person with an interest in a historic building, structure or site designated on the Tyler historic landmark register has, through action or inaction, adversely affected the historic character of the property, the board will make a recommendation to the city council. Following a hearing, the city council may order such property removed from the register, and may also order the owner or person in interest to remove the register plaque from the property and return it to the planning department within a

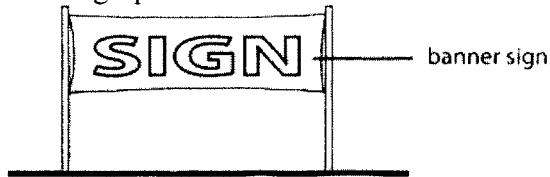
specified time. It is unlawful to fail to comply with any city council order requiring removal and return of the register plaque. (Ord. No. 0-2010-119; 11/10/10)

PART 20: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article XIII., “Definitions”, Division A., “Definitions”, is hereby amended by adding the following definitions and graphics in the appropriate alphabetical order to read as follows:

Banner

A soft, flexible sign, similar to a flag, made of cloth, plastic or other material, usually strung between two poles or attached to a building or other structure.

Add a graphic as follows:

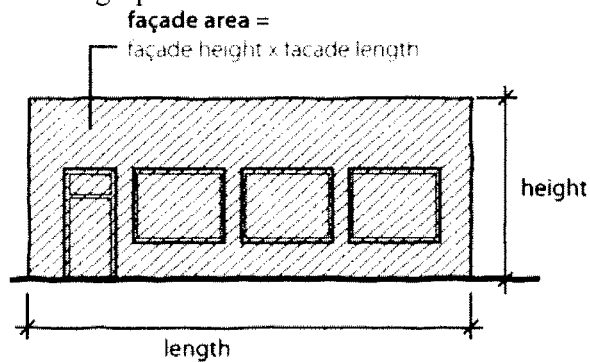


(Ord. No. 0-2010-119; 11/10/10)

Façade Area

The area of a façade for the purposes of determining maximum allowable signs is calculated by the vertical height of the façade multiplied by the horizontal length of the façade.

Add a graphic as follows:

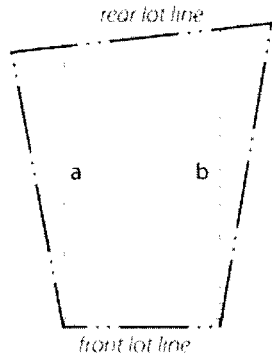


(Ord. No. 0-2010-119; 11/10/10)

Lot Depth

No changes to definition...

Add a graphic as follows:



lot depth = (a+b)/2

(Ord. No. 0-2010-119; 11/10/10)

Permeable Surface

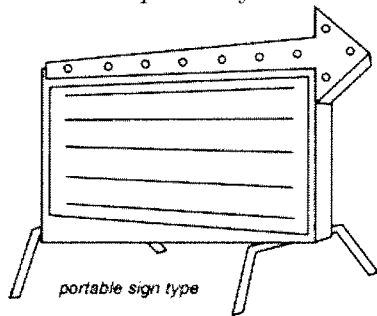
A pavement system that allows water to seep through the surface, permitting natural filtration.

(Ord. No. 0-2010-119; 11/10/10)

Portable Sign

A sign which is not permanently affixed to a building or to the ground and is capable of being moved or removed, and is primarily used for the purpose of advertising. This shall include, but not limited to, any sign mounted on a vehicle, trailer, or mobile structure capable of being moved.

Add a Graphic as follows:



(Ord. No. 0-2010-119; 11/10/10)

Sandwich Board Sign

A ground sign constructed in such a manner as to form an “A” or a tent-like shape, hinged or not hinged at the top; each angular face held to an appropriate distance by a supporting member. This sign type is only allowed in DBAC. (Ord. No. 0-2010-119; 11/10/10)

Section Signs

A sign or outline lighting system, shipped as sub-assemblies, which requires field-installed wiring between the sub-assemblies to complete the overall sign. The sub-assemblies are either physically joined together to form a single sign unit or are installed as separate remote parts of an overall sign. (Ord. No. 0-2010-119; 11/10/10)

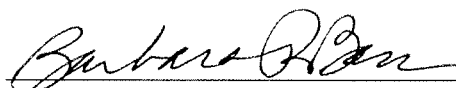
Snipe Sign

An off-premise sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects. (Ord. No. 0-2010-20; 3/10/10) (Ord. No. 0-2010-119; 11/10/10)

PART 21: 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 22: 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 November 12, 2010.

PASSED AND APPROVED this 10th day of November, A. D., 2010.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



MARY C LANDERS, CITY ATTORNEY

