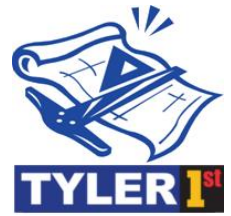




**CITY OF TYLER
CITY COUNCIL COMMUNICATION**



Agenda Number: O-1

Date: October 24, 2018

Subject: ZA18-002 UNIFIED DEVELOPMENT CODE (BIANNUAL REVIEW)

Request that the City Council consider approving an ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending regulations related to landscaping exemptions for certain non-conforming developments, landscaping installation certification, fences, off-street parking, temporary signage, and definitions, including the definition of sexual encounter center.

Page: 1 of 4

Item Reference: Texas Local Government Code Chapters 211 and 212; Texas Local Government Code Chapter 243; Tyler City Code Chapter 10

On April 23, 2008, the City Council adopted Ordinance No. O-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:

- Revise landscaping exemptions for non-conforming developments where adjacent to an impervious street parkway (area between the curb and the sidewalk) to require pervious groundcover with any expansion in street yard.
- Establish a requirement for landscaping installation certification.
- Clarify fencing requirements for key lots.
- Clarify which zoning districts allow “head-in” parking.
- New and updated definitions.
- Other minor clarifications.

PARKWAY LANDSCAPING FOR NON-CONFORMING DEVELOPMENTS

All new developments within the City of Tyler are required to comply with the adopted landscaping standards. The UDC contains provisions that allow developments built under prior landscaping standards to be expanded without applying the latest standards under limited

Agenda Number: O-1

Page: 2 of 4

conditions. The UDC does not require conformance to the current standards unless there is an expansion of the building or an addition of a building into the street yard by more than 25 percent of the existing building. This allows existing sites to make minor expansions or changes without impacting required parking or other site development standards. This exemption, however, also limits the City's ability to require new landscaping and beautification enhancements in the older, long-developed areas of the City. One of the goals of the Tyler 1st Comprehensive Plan is to improve community identity and sense of place and to "Enhance Tyler's public realm with trees, attractive streetscapes, and public gathering places."

It is proposed that any existing non-conforming development proposing to expand into the street yard (area between building and street) that are adjacent to an impervious street parkway (area between the curb and the sidewalk) be required to come into conformance with the parkway landscaping requirement. The parkway landscaping requirement is to provide a pervious groundcover such as grass or stones (xeriscaping) except for sidewalk or driveway access. This change will provide streetscape enhancements in areas that may undergo redevelopment but not to the extent that sites are completely redeveloped.

LANDSCAPING INSTALLATION CERTIFICATION

The UDC requires that at the time of development, all required landscaping be installed in accordance with the approved landscaping plan. The UDC allows minor revisions to the plans so long as the quality of the plant material or no significant change in size or location of plant material occurs. In the event that there is a significant change, the changes must be reviewed and approved by the City to verify if the changes are still in conformance with the UDC. Since 2014, the Planning Department has periodically met with landscaping contractors on a number of compliance issues and have sought to work with the private sector to ensure that the landscaping standards are being implemented. One suggestion was made by a private contractor to require that the general contractor certify that the landscaping was installed in accordance with the approved plan, and if it was not, then they would resubmit preferably prior to installation. This will ensure that the proper review of changes to the plan occurs prior to significant cost of materials and time delays associated with noncompliant installations. This certification will be made to the Chief Building Official and can be audited on an as-needed basis. City building inspectors have been performing inspections of landscaping as the City of Tyler does not employ qualified landscaping inspectors. The proposed certification process will free up time for building inspectors to perform duties related to the health and safety aspects of new structures.

KEY LOT FENCING

A "key lot" is defined as any lot where the side property line abuts the rear property line of one or more lots and which are not separated by an alley or any other public way. These lots are typically found in older residential neighborhoods where the blocks are more square than rectangular, resulting in lots facing all four adjacent streets. As it pertains to fencing, the UDC allows residential properties to have fences up to four feet in the front yard and up to eight feet in the side and rear yards. For a key lot, which has rear yards of neighboring properties in its front yard, neighboring fences can be up to eight feet in a key lot's front yard. The amendment being proposed is to clarify that a key lot may also construct a taller fence within its front yard where adjacent to a neighboring rear yard (see Exhibit "A").

Agenda Number: O-1

Page: 3 of 4

“HEAD-IN” PARKING

The UDC currently prohibits vehicles from accessing an off-street parking space directly from the street (“head-in” parking) except for properties zoned “DBAC”, Downtown Business, Arts and Culture District and “PMXD-1” and “PMXD-2”, Planned Mixed Use District. The exceptions for these zoning districts is intended to allow properties in the downtown area to utilize historical parking arrangements and to allow for innovative, high density development considerations. While no longer permitted, there are areas throughout the City that still have “head-in” parking. Typically these areas utilized this form of parking prior to street widening such as along Front Street. Other examples, such as near Tyler Junior College, are still appropriate given the walkable campus environment. The proposal is to allow “head-in” parking within “INT”, Institutional District except for arterial streets.

SEXUAL ENCOUNTER CENTER DEFINITION

Sexually Transmitted Diseases and Infections (STDs and STIs) are a substantial health challenge facing the United States. The 2017 Annual Texas STD Surveillance Report issued by the Texas Department of State Health Services finds that Smith County has the 19th highest number of Gonorrhea cases and the 24th highest number of Chlamydia and Syphilis cases in the State.

Consistent with Texas Local Government Code Chapter 243, the City of Tyler regulates sexually oriented businesses (SOBs) to promote the health, safety, morals, and welfare of city citizens, and to establish reasonable and uniform regulations. This regulation of land use helps protect and promote the health, safety and general welfare of the people of Tyler. The City finds that sexually oriented businesses, because of their nature, usually have a deleterious effect on both the existing businesses around them and surrounding residential areas adjacent to them. The First Amendment does not allow cities to forbid SOBs, but can require licenses for such businesses that must meet a number of criteria and restrictions such as being at least 800 feet from any religious institution, school, residential property or public park.

The definition update (clarification) to Sexual Encounter Center is intended to provide the City with the ability to account for technological advances within the industry and personal preferences. The main focus of the new ordinance is to regulate on-premise activities that involve the use, for erotic or sexual purposes, of robots, dolls, etc. The ordinance does not ban such devices, nor does it prohibit the sale or personal use thereof. The ordinance does, however, regulate business enterprises where a person engages in the use of such products that occurs on property owned by, controlled by or associated with the commercial activity. To be clear, no one has approached the City of Tyler to open any additional SOBs or to engage in this type of activity involving robots, dolls, etc. Currently there is only one SOB in the City of Tyler. The proposed clarification is intended to be proactive to address 21st century circumstances.

The recommendations were presented to the UDC Review Committee on May 22, 2018, and to the Developer’s Round Table on August 29, 2018. All groups are in general agreement with the recommended changes. On October 2, 2018, the Planning and Zoning Commission held a public hearing on the proposed changes. No one spoke in favor or in opposition to the proposed changes.

Agenda Number: O-1

Page: 4 of 4

RECOMMENDATION:

The Planning and Zoning Commission by a 4-0 vote recommends approval of the proposed changes to the Unified Development Code.

ATTACHMENTS:

1. Ordinance
2. Exhibit "A": Key Lot Illustration
3. Exhibit "B": Update Matrix

**Drafted/Recommended By:
Department Leader**



**Heather Nick, AICP
Managing Director**

**Edited/Submitted By:
City Manager**



ORDINANCE NO. O-2018-83

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 10, "TYLER UNIFIED DEVELOPMENT CODE", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY AMENDING REGULATIONS RELATED TO LANDSCAPING EXEMPTIONS FOR CERTAIN NON-CONFORMING DEVELOPMENTS, LANDSCAPING INSTALLATION CERTIFICATION, FENCES, OFF-STREET PARKING, TEMPORARY SIGNAGE, AND DEFINITIONS, INCLUDING THE DEFINITION OF SEXUAL ENCOUNTER CENTER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, Texas Local Government Code Section 212.003(a) provides that the governing body of a municipality may by ordinance extend to the extraterritorial jurisdiction of the municipality the application of the municipal ordinance prescribing rules governing plats and subdivisions of land; and

WHEREAS, State law, at Texas Local Government Code Chapter 243, authorizes a municipality to adopt regulations regarding sexually oriented businesses as the municipality considers necessary to promote the public health, safety, and welfare; and

WHEREAS, on April 23, 2008, the City Council adopted Ordinance No. 0-2008-48, which amended Tyler City Code Chapter 10 by adopting the Unified Development Code governing zoning, subdivision, development and other land use regulations; and

WHEREAS, it is important to amend certain provisions in the Unified Development Code in City Code Chapter 10; and

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

WHEREAS, on October 2, 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 VI, “Development Standards”, Division A., “Landscaping and Tree Preservation”, is hereby amended by amending Section 10-300 to read as follows:

Sec. 10-300. Landscape Requirements for Nonconforming Uses

- a. No changes...
- b. Regulation of Nonconforming Developments
 1. The Planning Director is authorized to approve an alternative compliance parking plan allowing shared parking arrangements for nonresidential uses with different hours of operation.
 2. The Planning Director may permit up to 100 percent of the parking required for one use to be supplied by the off-street parking spaces provided for another use if the Planning Director determines that the various activities will have peak parking demands at different periods of the day or week.
 3. In order to approve an alternative compliance parking plan for shared parking, the Planning Director must find, based on competent evidence provided by the applicant, that that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
 4. Regardless of any exemptions in part 3, non-conforming developments which contain parkways with impermeable surfaces shall be planted with grass or other typical permeable landscaped ground cover and left unpaved except for sidewalks and driveways with any expansion of existing buildings or construction of new buildings in the street yard. The established Master Street Plan right-of-way width will determine the maximum parkway width for the purposes of this requirement. (Ord. No. 0-2018-83; 10/24/18)

PART 2: 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 10-307 to read as follows:

Sec. 10-307. Landscaping and Tree Preservation Compliance

- a. All required landscaping and screening must be installed as part of the project construction. Upon installation, the general contractor shall submit to the Building Official a signed certification stating that all required landscaping, buffering and screening has been installed in accordance with the approved plan. If the installed landscaping is not in compliance with the approved plan, a final “As-Built” plan shall be submitted to the Planning Department for review per Section 10-294. The City reserves the right to verify all landscaping installations before or after the issuance of a Certificate of Occupancy or final inspection. (Ord. No. 0-2018-83; 10/24/18)
- b. through f. No changes...

PART 3: 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

- a. Location and Height
 - 1. through 2. No changes...
 - 3. Fencing requirements in residential districts including “AR”:
 - (a) Fences located in the front yard, along the front property line and/or the side property line(s), to a depth less than or equal to the required front yard setback shall be restricted to a maximum height of four feet. Such fences shall be at least 50 percent open and any concrete or masonry footing, not including any required retaining walls, shall be limited to 24 inches from grade. Fence materials shall be in accordance with subsection b. of this Section. For Key Lots as defined in this Chapter, the maximum height of a fence erected in the designated front and side yards of a lot which is zoned residential and is adjacent to the rear yard of an abutting lot, may exceed the four foot maximum height limitation. This does not apply to fences spanning the width of the front yard. Where applicable, all fencing or walls must not interfere with traffic sight visibility or public safety. (Ord. No. 0-2010-119; 11/11/10) (Ord. No. 0-2017-100; 11/8/17) (Ord. No. 0-2018-83; 10/24/18)
 - (b) Fences located in the rear or side yards, along the rear property line or the side property line(s), at a depth greater than the required front yard setback, are restricted to a maximum height of eight feet.
 - (c) Driveway gates shall not be built within the required front yard setback in residentially zoned districts, unless in accordance with a “PUR” final site plan. Legal nonconforming driveway gates must be replaced within six months of removal to maintain nonconforming status. (Ord. No. 0-2017-100; 11/8/17)
 - 4. No changes...
- b. through e. No changes...

PART 4: 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. and b. No changes...

- c. Except in DBAC, INT (not on arterial streets), PMXD-1, and PMXD-2, no parking or maneuvering will be allowed within the street right-of-way between the curb, improved roadway, or travel portion of the rights-of-way and the common right-of-way property line, unless approved by the planning director. It is the responsibility of the property owner to certify at the time formal application is made for a building permit or certificate of occupancy and compliance that the site provides sufficient space and facilities necessary to assure that no vehicle parking or maneuvering activity will take place on public right-of-ways or on private property not under the property owner's control.
- d. Except in DBAC, INT (not on arterial streets), PMXD-1, and PMXD-2 no public street, right-of-way, or public property may be used to gain direct access to a parking space except that an alley may be used for maneuvering space to reach a parking space, and public streets may be used to gain direct access to residential usage. (Ord. No. 0-2018-83; 10/24/18)
- e. through i. No changes...

PART 5: 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 10-362 to read as follows:

Sec. 10-362. Shared Parking Arrangements

- a. No changes...
- b. Authorization and Criteria
 - 1. through 3. No changes other than to revise planning director to Planning Director...
 - 4. A request for approval of a shared parking arrangement must be accompanied by such information determined by the Planning Director as necessary to evaluate the peak parking demand characteristics or difference in hours and/or days of operation, including, but not limited to, a description of the uses, the space occupied by each use, ~~and~~ their operational characteristics, a site plan, nearest transit stop, and a parking study prepared by a licensed professional traffic engineer or equivalent qualified professional which justifies the reduction in parking requested. (Ord. No. 0-2018-83; 10/24/18)
- c. No changes...
- d. Agreement

An agreement providing for the shared use of parking areas, executed by the parties involved, must be filed with the Planning Director, in a form approved by the City Attorney and recorded at the Smith County Land Records office by the applicant. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. (Ord. No. 0-2018-83; 10/24/18)
- e. No changes...

PART 6: 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 10-416 to read as follows:

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 three types of commercial banners:

i. Ground-mounted banners and signs:

Ground-mounted banners and signs shall be supported by two posts implanted into the ground.

ii. Pole-mounted banners: Displayed vertically, mounted on two rods that extend perpendicularly to a pole. Such banners may be part of an overall exterior signage package.

iii. Wall mounted banners: Displayed horizontally on a exterior building wall, face, or side. Wall mounted banners typically display information regarding commercial events, such as grand openings, sales, or property leasing information.

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) (Ord. No. 0-2018-83; 10/24/18)

2. No changes...

3. No changes...

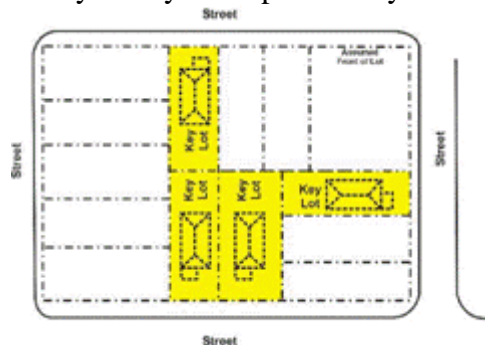
PART 7: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article XIII., "Definitions", Division A., "Definitions", is hereby amended by adding or amending the following definitions to read as follows, in the appropriate alphabetical order, with no other changes to the Division except as shown:

Day Care Center (Children)

A child care facility, licensed by the state, without a State certified curriculum under public or private auspices, which cares for six (6) or more children under sixteen (16) years of age who are apart from their own family or relatives during a part of the day. The term "day care center" shall not include overnight lodging, medical treatment, counseling or rehabilitative services and does not apply to any school. (Ord. No. 0-2018-83; 10/24/18)

Lot, Key

Any lot, the side property line of which abuts the rear property line of one or more lots and which are not separated by an alley or any other public way.



(Ord. No. 0-2018-83; 10/24/18)

Pre-School

A publicly certified or privately accredited facility for children typically ranging from three to four years of age. (Ord. No. 0-2018-83; 10/24/18)

School

A public, private or parochial educational facility, that provides a curriculum of elementary and/or secondary academic instruction, including pre-school/kindergartens, elementary schools, junior high/middle schools and high schools. (Ord. No. 0-2018-83; 10/24/18)

Sexual Encounter Center

a. A business or commercial enterprise that, as one of its primary business purposes and on premises owned, controlled or associated with such business or commercial enterprise, offers, for any form of consideration, one or more of the following activities to occur on-site;

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the employees of the establishment is in a state of nudity or semi-nude; or
3. The fondling or other erotic touching of robots, machines, devices, dolls, models, mannequins, toys or other products, including but not limited to those representing human beings, the specified anatomical areas of human beings, animals or plant-life species; or
4. Sexual activities between person(s) and robots, machines, devices, dolls, models, mannequins, toys or other products, including but not limited to those representing human beings, the specified anatomical areas of human beings, animals or plant-life species.

b .For purposes of subsections 3. and 4. above, the term “robot” shall mean a machine resembling a living creature (fictional or non-fictional, real or imagined), and able to replicate certain movements or functions of such living creature. (Ord. No. 0-2018-83; 10/24/18)

PART 8: 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 9: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be Friday, October 26, 2018.

PASSED AND APPROVED this the 24th day of October, A.D., 2018.

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

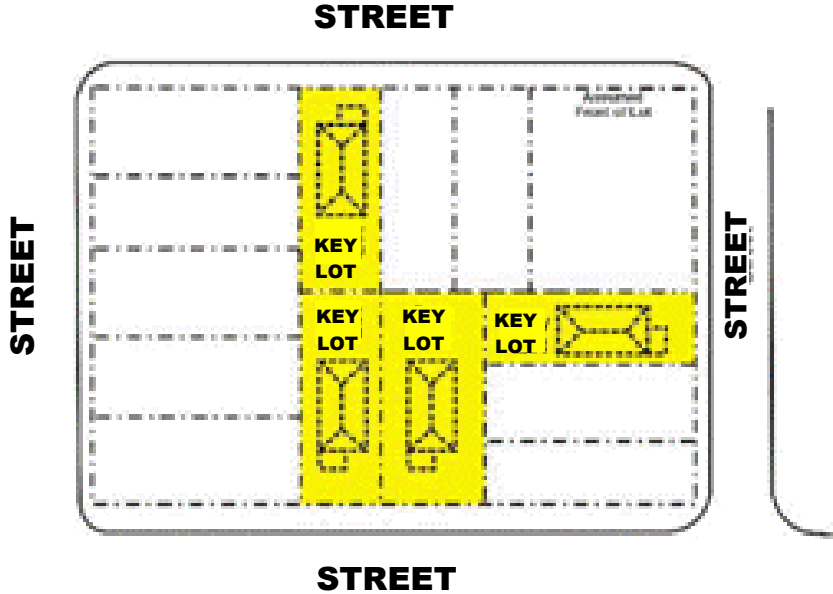
ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

DEBORAH G. PULLUM,
CITY ATTORNEY

**ORDINANCE NO. O-2018-83
EXHIBIT "A"
KEY LOT ILLUSTRATION**



ORDINANCE NO. O-2018-83
ATTACHMENT “B”
UPDATE MATRIX
 1 of 5

UDC AMENDMENT RECOMMENDATIONS		How Changed		Staff Notes	
Section	Item Changed	UDC Review Committee Recommendations highlighted in yellow	Whose Suggestion	Potential Effect	Staff Notes
SUBSTANTIVE AMENDMENTS					
Article I Introductory Provisions					
Article II Zoning Districts					
Article III Use Regulations					
Article IV Subdivision Design and Improvements					
Article V Streets and Thoroughfares					
Article VI Development Standards					
10-300	Landscape Requirements for Nonconforming Uses Parkway landscaping	<p><u>4. Non-conforming developments which contain parkways with impermeable surfaces shall be planted with grass and left unweaved, except for sidewalks and driveways with any expansion of existing buildings or construction of new buildings. The established Master Street Plan right-of-way width will determine the maximum parkway width for the purposes of this requirement.</u></p> <p>a. All required landscaping and screening must be installed as part of the project construction. Upon installation, the general contractor must submit to the Building Official a signed certification stating that all required landscaping, buffering and screening has been installed in accordance with the approved plan. If the installed landscaping is not in compliance with the approved Landscape Plan, a final "As-Built" Landscape Plan indicating actual planting shall be submitted to the Planning Department for review.</p>	Staff/Design Professionals	Enhanced corridor design, greenspace	
10-307	Landscaping and Tree Preservation Compliance	<p>Article VII Environmental Regulations</p> <p>Article VIII Development Approval Procedures</p> <p>Article X Administration and Enforcement</p> <p>Article XI Historic Preservation</p> <p>Article XII Annexation</p> <p>Article XIII Definitions</p>	Staff/Design Professionals	Better enforcement of landscaping, allows staff to review revised landscaping plans prior to installation	
	Lot, Key	<p><u>Any lot, the side property line of which abuts the rear property line of one or more lots and which are not separated by an alley or any other public way.</u></p>	Staff	Clarify	
	Pre-School	<p><u>A publicly certified or privately accredited facility for children, ranging from three to four years of age.</u></p>	Staff	Use determination	

ORDINANCE NO. O-2018-83
ATTACHMENT “B”
UPDATE MATRIX
 2 of 5

UDC AMENDMENT RECOMMENDATIONS				
Section	Item Changed	UDC Review Committee recommendations highlighted in yellow		Potential Effect
		How Changed	Staff Notes	
CLARIFICATION AMENDMENTS				
How Changed				
Staff Notes				
		<p>Article I Introductory Provisions</p> <p>Article II Zoning Districts</p> <p>Article III Use Regulations</p> <p>Article IV Subdivision Design and Improvements</p> <p>Article V Streets and Thoroughfares</p> <p>Article VI Development Standards</p>		
10-331	Fence and Walls	<p>Required Conditions</p> <p>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.</p>	<p>There are certain circumstances, however, whereby For Key Lots as defined in this Chapter, the maximum height of a fence erected in the designated front and side yards of a lot which is zoned residential and is adjacent to the rear yard of an abutting lot, may exceed the four foot maximum height limitation. This does not apply to fences spanning the width of the front yard, as these circumstances, where applicable.</p> <p>all fencing or walls must not interfere with traffic sight visibility or public safety.</p>	<p>Clarity</p>

ORDINANCE NO. O-2018-83
ATTACHMENT “B”
UPDATE MATRIX
3 of 5

UDC AMENDMENT RECOMMENDATIONS					
Section	Item Changed	How Changed		Whose Suggestion	Potential Effect
		Old	New		
CLARIFICATION AMENDMENTS					
		<p>c. Except in DBAC, PMXD-1, and PMXD-2, no parking or maneuvering will be allowed within the street right-of-way between the curb, improved roadway, or travel portion of the rights-of-way and the common right-of-way property line, unless approved by the planning director. It is the responsibility of the property owner to certify at the time formal application is made for a building permit or certificate of occupancy and compliance that the site provides sufficient space and facilities necessary to assure that no vehicle parking or maneuvering activity will take place on public right-of-ways or on private property not under the property owner's control.</p>	<p>c. Except in DBAC, INT (streets interior to campus), PMXD-1, and PMXD-2, no parking or maneuvering will be allowed within the street right-of-way between the curb, improved roadway, or travel portion of the rights-of-way and the common right-of-way property line, unless approved by the planning director. It is the responsibility of the property owner to certify at the time formal application is made for a building permit or certificate of occupancy and compliance that the site provides sufficient space and facilities necessary to assure that no vehicle parking or maneuvering activity will take place on public right-of-ways or on private property not under the property owner's control.</p> <p>d. Except in DBAC, INT (streets interior to campus), PMXD-1, and PMXD-2, no public street, right-of-way, or public property may be used to gain direct access to a parking space except that an alley may be used for maneuvering space to reach a parking space, and public streets may be used to gain direct access to residential usage.</p>		
10-351	Off-Street Parking and Loading (General Requirements)			Staff Dev. Community	Clarify
10-362	Shared Parking Arrangements			Staff	Clarify
					Staff Notes Draft Ordinance

ORDINANCE NO. O-2018-83
EXHIBIT "B"
UPDATE MATRIX
 4 of 5

UDC AMENDMENT RECOMMENDATIONS						
Section	Item Changed	How Changed		Staff Notes		
		Old	New			
UDC Review Committee recommendations highlighted in yellow						
CLARIFICATION AMENDMENTS						
10-416	Temporary Signs and Holiday Decorations	<p>b. Temporary Sign Types [---] There are two types of commercial banners: 1. Commercial Banners and Coroplast Signs Pole-mounted banners, which are displayed vertically, mounted on two rods that extend perpendicularly to a pole. Such banners may be part of an overall exterior signage package.</p> <p>(b) Wall mounted banners, which are typically displayed horizontally on a exterior building wall, face, or side. Wall mounted banners typically display information regarding commercial events, such as grand openings, sales, or property leasing information.</p>	<p>b. Temporary Sign Types [---] There are two three types of commercial banners: 1. Commercial Banners and Coroplast Signs Pole-mounted banners, which are displayed vertically, mounted on two rods that extend perpendicularly to a pole. Such banners may be part of an overall exterior signage package. (a) Ground-mounted banners and signs shall be supported by two posts impaled into the ground. (b) Pole-mounted banners which are which are displayed vertically, mounted on two rods that extend perpendicularly to a pole. Such banners may be part of an overall exterior signage package. (c) Wall mounted banners, which are which are displayed horizontally on a exterior building wall, face, or side. Wall mounted banners typically display information regarding commercial events, such as grand openings, sales, or property leasing information.</p>	<p>Whose Suggestion</p> <p>Staff</p>	<p>Potential Effect</p> <p>Clarify</p>	<p>Draft Ordinance</p>
Article VII Environmental Regulations						
Article VIII Development Approval Procedures						
Article IX Permits and Fees						
Article X Administration and Enforcement						
Article XI Historic Preservation						
Article XII Annexation						
Article XIII Definitions						
	Day Care Center	<p>A child care facility, licensed by the state, under public or private auspices, which cares for six (6) or more children under sixteen (16) years of age who are apart from their own family or relatives during a part of the day. The term "day care center" shall not include overnight lodging, medical treatment, counseling or rehabilitative services and does not apply to any school.</p>	<p>A child care facility, licensed by the state, without a State certified curriculum under public or private auspices, which cares for six (6) or more children under sixteen (16) years of age who are apart from their own family or relatives during a part of the day. The term "day care center" shall not include overnight lodging, medical treatment, counseling or rehabilitative services and does not apply to any school.</p>	<p>Staff</p>	<p>Clarify</p>	

ORDINANCE NO. O-2018-83
EXHIBIT “B”
UPDATE MATRIX
 5 of 5

UDC AMENDMENT RECOMMENDATIONS					
Section	Item Changed	How Changed		Whose Suggestion	Potential Effect
		Old	New		
UDC Review Committee recommendations highlighted in yellow					
		CLARIFICATION AMENDMENTS			
	School	A public, private or parochial educational facility, that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high/middle schools and high schools.	A public, private or parochial educational facility, that provides a curriculum of elementary and/or secondary academic instruction, including <u>pre school</u> , kindergartens, elementary schools, junior high/middle schools and high schools.	Staff	Clarity
	Sexual Encounter Center	A business or commercial enterprise that, as one of its primary business purposes offers for any form of consideration;	A business or commercial enterprise that, as one of its primary business purposes and on <u>premises owned, controlled or associated with such business or commercial enterprise, offers for any form of consideration one or more of the following:</u> 1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or 2. Activities between male and female persons and/or persons of the same sex when one or more of the employees of the establishment is in a state of nudity or semi-nude; or 3. <u>The fondling or other erotic touching of dolls, models, machines, mannequins, devices, toys, or other products, including but not limited to those representing human beings or the specified anatomical areas of human beings; or</u> 4. <u>Sexual activities between personal and dolls, models, machines, mannequins, devices, toys, or other products, including but not limited to those representing human beings or the specified anatomical areas of human beings.</u>	Legal Dept.	Ability to regulate new industry
					Draft Ordinance