

ORDINANCE NO. O-2016-76

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 10, "TYLER UNIFIED DEVELOPMENT CODE", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY AMENDING REGULATIONS RELATING TO ZONING DISTRICTS, USE REGULATIONS, SUBDIVISION DESIGN AND IMPROVEMENTS, DEVELOPMENT STANDARDS, STREETS AND THOROUGHFARES, MOBILE FOOD TRUCK REGULATIONS; GATEWAYS AND ACCESSWAY DESIGN; PRIVATE WAYS; DRIVE-THROUGH STACKING REQUIREMENTS; OUTDOOR TRANSIENT VENDOR REGULATIONS; ENVIRONMENTAL REGULATIONS, TREE PLANTINGS; SIGNAGE; AND ADMINISTRATION AND ENFORCEMENT; 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, 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;

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 III., "Use Regulations", Division C., "Limited and Specific Use Standards", is hereby amended by amending Section 10-76 to read as follows:

Sec. 10-76. Mobile Food Units and Food Truck Parks

a. through b. No changes...

c. Operational Requirements

1 through 10. No changes...

11. Mobile Food Units may not stop for more than six consecutive hours at any one location to sell or serve food provided however this shall not apply to Mobile Food Units within Food Truck Parks or operating under an approved Temporary Use Permit or a permit issued by the Parks and Recreation Department. The Mobile Food Unit shall move at least 50 feet away from its previous location once the six hour period has expired and shall not return to the previous location within a one hour period of time. (Ord. No. 0-2016-76; 08/24/16)

12. through 14. No changes...

d. Food Truck Parks

1. No changes...

2. Minor and Major Food Truck Parks. Minor Food Truck Parks shall consist of two to four Mobile Food Units (MFUs) and are generally allowed as a by-right use in all commercial and industrial zoning districts (see Section 10-49). Major Food Truck Parks shall consist of five or more MFUs and are considered a special use and subject to site plan approval. The site plan required for a Major Food Truck Park or Minor Food Truck Park in "C-1" shall provide the following information for review:

a. through m. No changes...

n. Location and type of electrical outlets provided for each corresponding pad site. Major Food Truck Parks are required to provide electrical for each MFU and may provide water hookups; and (Ord. No. O-2016-76; 08/24/16)

o. No changes...

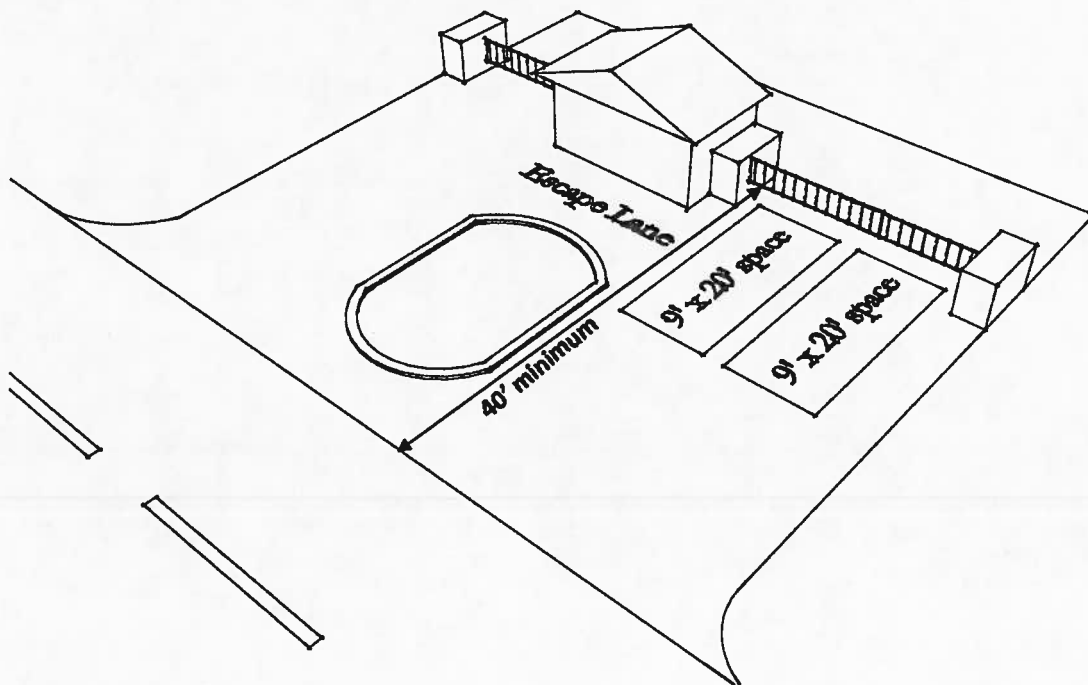
3. No changes...

PART 2: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division C., "Gated Development Standards", is hereby amended by amending Section 10-122 to read as follows:

Sec. 10-122. Gate and Accessway Design

All gate installations must conform to the following specifications:

- a. Through b. No changes...
- c. Approach and departures areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. All entry gates must have a minimum setback of at least 40 feet between the back of curb of the street and front of gate. Exceptions to the setback may be granted by the Development Services Engineer, in consultation with the Traffic Engineer, so long as it can be demonstrated that emergency vehicles can adequately maneuver the entry gate area. Entry gates to gated developments consisting of 50 lots or less must provide one stacking space for every ten lots (or fraction thereof) with a minimum of two stacking spaces per entry gate. All entry gates to gated developments exceeding 50 lots must provide five stacking spaces per entry gate. All stacking lanes can be accommodated in two lanes out of the public travel lanes. (Ord. No. 0-2016-76; 08/24/16)
- d. No changes to subsection, but add a New Drawing as shown....



Minimum gate design standards

(Ord. No. 0-2016-76;08/24/16)

PART 3: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article V., "Streets and Thoroughfares", Division D., "Private Streets, Alleys, Ways, and Driveways", is hereby amended by amending Section 10-200 to read as follows:

Sec. 10-200. Design and Construction Standards

Private streets must conform to the same standards regulating the design and construction of public streets. These standards include, but are not limited to, the following:

- a. No changes...
- b. Private Ways

Private ways must conform to the same standards regulating the design and construction of fire apparatus access routes in accordance with the currently adopted version of the International Fire Code. In addition to these standards, private ways serving as sole access to residentially-zoned properties, where allowed in Section 10-23 of this Chapter, must be constructed of concrete. (Ord. No. 0-2014-97; 10/22/14) (Ord. No. 0-2016-76; 08/24/16)

PART 4: 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 10-305 to read as follows:

Sec. 10-305. Tree Planting Standards and Specifications

- a. No changes...
- b. Planting Requirements
 - 1. through 8. No changes...

9. In nonresidential districts, where newly planted trees are not able to stand up on their own, trees shall be staked with an at-grade root ball securing system. The system shall securely anchor the root ball, while allowing the trunk and the crown to move naturally. The system shall not use materials and methods that penetrate or damage the root ball. Above grade staking systems such as "T" posts with wires, hoses, straps, or guy wires wrapped around the tree trunk, shall not be allowed unless authorized by the Planning Director in consultation with the Urban Forester. (Ord. No. 0-2016-76;08/24/16)

- c. through g. No changes...

PART 5: 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 Section 10-389 by amending the following portion of Table 10-389 to read as follows, with no other changes to the Table:

Sec. 10-389. Drive-Through Stacking Requirements

- a. through g. No changes...

Table 10-389 Required Stacking Spaces

Type of Facility	Inbound Vehicles	Outbound Vehicles
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No changes...

Gatehouse (residential) 1 space
 <50 lots = one space per ten
 Lots; > 50 lots = five spaces
(Ord. No. 0-2010-119, 11/11/10) (Ord. No. 0-2016-76; 08/24/16)

h. through i. 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 the following portions of Sections 10-401, 10-408, 10-409 to read as follows, with no other changes, including no changes to any drawings:

Sec. 10-401. General Sign Regulations

a. No changes...

b. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs. (Ord. No. 0-2016-76; 08/24/16)

c. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Division is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Division. (Ord. No. 0-2016-76; 08/24/16).

d. Except where noted: in this section, all signs erected within the city will be subject to the following general requirements:

1. through 4. No changes...

5. Multi-tenant signs, in accordance with the an approved Master Signage Plan, may utilize one roof sign constructed of individually cut lettering and/or graphics without backing panel per frontage in lieu of allowable freestanding signage provided that the sign does not exceed ten percent of the width of the overall building façade and protrude four feet 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. Roof signs shall otherwise be prohibited. Facade 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. (Ord. No. 0-2016-76; 08/24/16)

6. through 8. No changes...

e. No changes...
(Ord. No. 0-2009-19; 3/11/09) (Ord. No. 0-2010-20, 3/10/10) (Ord. No. 0-2010-119; 11/10/10)
(Ord. No. 0-2011-45; 6/8/2011) (Ord. No. 0-2016-76; 08/24/16)

Sec. 10-408. Sign Standards in Residential Districts

<i>Sign Type district/use</i>	<i>Max. Number</i>	<i>Max. Area (sq. ft.) or Max. Width (ft.)</i>	<i>Max. Height (feet)</i>	<i>Minimum Setback</i>	<i>Additional Requirements</i>
PERMANENT SIGNS					
Wall Sign / Façade Sign					
Single-Family and Two-Family Districts	1	1			Permit/license/bond not required. Sign may be substituted with freestanding sign of same size with a maximum height of 6 feet and minimum setback of 5 feet. (Ord. No. 0-2016-76;08/24/16)
Freestanding Sign					
Residential development entry sign in all residential districts	No changes				
R-MF and PMF districts	No changes				
Properties developed with Public/Civic uses in all Residential	1/frontage	32	8	5	May be substituted with facade sign of same size per street frontage, or combination thereof; for included uses see Sec. 10-48.
Electronic message center (EMC), for properties with Public/Civic uses in all residential districts.	1	24	8	5	See Sec. 10-415. For included uses see Sec. 10-48. (Ord No. 0-2009-100, 9/23/09) (Ord No. 0-2016-76; 8/24/16)
Monument Signs	No changes				
Directional signs	No changes				
Flags	No Changes				
Temporary Signs					
R-MF and PMF	1/frontage	50	6	5	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 (Ord No. 0-2016-76; 8/24/16)
Banners for properties participating in charitable and humanitarian events		50	6		Planning director to determine number. See Sec. 10-416. (Ord. No. 0-2016-76; 8/24/16)
Developments under construction in all residential districts	1/frontage	100	25	5	Displayed only during construction phase; additional sign per 30 acres to be removed upon completion of project. (Ord. No. 0-2016-76; 8/24/16)
Properties for sale or lease in single-family and two-family districts	1/frontage	6	3	2	(Ord. No. 0-2016-76; 8/24/16)
Properties for sale or lease in multi-family districts	1/frontage	32	15	2	Developments of 10 acres or more are allowed one 64 SF sign per 500 ft. of frontage. (Ord No. 0-2016-76; 8/24/16)

(Ord. No. 0-2010-20, 3/10/10)(Ord. No. 0-2010-119; 11/10/10) (Ord. No. 0-2012-38, 4/25/12)(Ord. No. 0-2015-67; 6/24/15) (Ord. No. 0-2016-76; 8/24/16)

Sec. 10-409. Sign Standards in Nonresidential Districts

<i>Sign Type district/use</i>	<i>Max. Number</i>	<i>Max. Area (sq. ft.) or Max. Width (ft.)</i>	<i>Max. Height (feet)</i>	<i>Minimum Setback</i>	<i>Additional Requirements</i>
PERMANENT SIGNS No changes					
Wall Sign / Façade Sign No changes					
C-1 district					
100-1999 sq. ft. in façade area	No changes				
2000+ sq. ft. in façade area	No changes				
INT, OSP, C-2, DBAC, and M-1 and M-2 districts	No changes				
100-1999 sq. ft. in facade area	No changes				

2000+ sq. ft. in façade area	No changes				
On lower two floors of multi-story building	No changes				
On upper floor of façade	1	9% of façade above the first floor	4		No letter, insignia, or symbol may exceed 48" in height. See Sec. 10-410, (Ord. No. 0-2012-83, 10/10/12) (Ord. No. 0- 2016-76; 8/24/16)
Awning Signs	No changes				
Projecting Signs (includes blade signs)	No Changes				
INT, C-1, C-2, PCD, M-1, and M-2 districts	No changes				
Projecting Signs (includes blade signs) In PMXD-1. PMXD- 2, and DBAC districts	No changes				
Electronic message center (EMC) on marquee, DBAC	No changes				
Roof Sign	1/frontage	10% of buildin g	4		Must be in compliance with a Master Sign Plan; sign lieu of freestanding façade width constructed of individually cut lettering and/or graphics, sign without backing panel; freestanding sign allowance must be from same elevation. See Sec. 10-401.b.5 (Ord. No. 0- 2016-76; 8/24/16)
Freestanding Signs				Setback	
AG and AR District	1/frontage	8	8	5	
All uses in RPO district	No changes				
All uses in PCD, PMXD-1, and PMXD-2 districts	No changes				
Development signs, C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 districts	No changes				

Developments with drive-thru lines in C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 district	2/drive thru line per business				Must be spaced at least 10' from any other sign. (Ord. No. 0-2016-76; 8/24/16)
Electronic message center (EMC), C-1 district	No changes				
Electronic message center (EMC), C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 district	No changes				
Electronic message center (EMC) properties developed with Public/Civic uses in INT	1/lot	24	8	5	Additional allowance based on established thoroughfare speed. See Sec. 10-415 (Ord. No. 0-2013-41; 5/22/13) For included uses see Sec. 10-49 (Ord. 0-2009-100, 9-23-09) (Ord No. 0-2016-76; 8/24/16)
Major Development signs, C-1, DBAC, PCD, PMXD-1, PMXD-2, M-1 and M-2 Districts	No changes				
All other uses in INT, OSP, C-1, C-2, DBAC, M-1, and M-2 district (Ord. No. 0-2011-45, 6/8/11)	1/frontage	100	35	5	Signs up to 10 feet in height must have a setback of at least 2 feet; signs between 10 feet and 35 feet in height must have a setback of at least five feet. (Ord No. 0-2016-76; 8/24/16) 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.
DIRECTIONAL SIGNS	No changes				
FLAGS	No changes				
TEMPORARY					

SIGNS					
C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, INT, M-1, M-2	1/frontage	50	60	2	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. (Ord. No. 0-2016-76; 8/24/16)
Commercial Banners - Pole-mounted banners (displayed vertically) in C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, INT, 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 (Ord. No. 0-2016-76; 8/24/16)
Banners for properties participating in charitable and humanitarian activities in all districts		50	6		Planning director to determine number See Sec. 10-416 (Ord. No. 0-2016-76; 8/24/16)
Developments under construction in non-residential districts	1/frontage	100	25	5	Displayed during construction phase; additional sign per 30 acres to be removed upon completion of project (Ord. No. 0-2016-76; 8/24/16)
Properties for sale or lease in non-residential districts	1 per frontage	32	15	2	Developments of 10 acres or more allowed one 64 SF sign per 500 ft of frontage. (Ord. No. 0-2016-76; 8/24/16)
Sandwich board signs in DBAC	1	8	6		Must not obstruct pedestrian traffic
BILLBOARDS	No changes				

(Ord. No. 0-2010-20, 3/10/10) (Ord. No. 0-2010-119, 11/10/10)(Ord. No. 0-2011-45, 6/8/11)(Ord. No. 0-2012-83, 10/10/12)(Ord. No. 0-2013-41; 5/22/13)(Ord. No. 0-2015-67; 6/24/15) (Ord. No. 0-2016-76; 8/24/16)

PART 7: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article VI., "Development Standards", Division K., Outdoor Sales, Storage and Display", is hereby amended by amending Section 10-454 to read as follows:

Sec. 10-454. Outdoor Transient Vendors

An outdoor transient vendor is a person, or the agent, consignee or employee of a person, who at a fixed location within the city engages in the temporary display, exhibition or delivery for the sale or offering for sale of any goods or services, including animals, with the intent of discontinuing such use upon the expiration of a time period not to exceed a maximum of 60 days, provided this time period shall not apply to Mobile Food Units. Outdoor transient vendor sales are not allowed in residential districts. The outdoor transient vendor regulations do not apply to vendors that are acting with the permission of a business at a fixed location, if such vendor sales occur at that fixed location and if such vendor sales are associated with that business's primary type of good or services sold. Any person receiving an outdoor transient vendor permit related to the sale or offering for sale of animals shall comply with the vaccination requirements set forth in Tyler City Code Section 14-30 or successor, as applicable, and must be able to show proof of such vaccinations upon request. An outdoor transient vendor must obtain an outdoor transient vendor permit by making application to the Planning Department prior to engaging in such activity. The outdoor transient vendor regulations in this section do not apply to fruit/vegetable stands, fruit/vegetable sales (roadside), the giving away of animals at any location, or the sale of animals at private residences. (Ord. No. 0-2010-19; 3/10/10) (Ord. No. 0-2014-113; 12/10/14)

b. through d. No changes...

e. Enforcement

Planning Department personnel, Police Department personnel and Code Enforcement Department personnel have full and complete authority to enforce the provisions of this section to outdoor transient vendors, and have authority to issue citations for violations thereof. The Local Rabies Control Authority or designee, and Animal Control Officers, have full and complete authority to enforce the provisions of this section related to the sale or offering for sale of animals, and have authority to issue citations for violations of such provisions. (0-2003-38, 7/23/03) (0-2003-61, 11/26/03) (Ord. No. 0-2010-19; 3/10/10) (Ord. No. 0-2016-76; 8/24/16)

PART 8: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article VII., "Environmental Regulations", Division E., "Erosion and Sedimentation Control", is hereby amended by amending Section 10-526 to read as follows:

Sec. 10-526. Erosion and Sediment Control Plan

- a. The Erosion and Sediment Control Plan shall comply with the requirements of the State of Texas TPDES Permit TXR 150000.
- b. Design requirements shall comply with the requirements of the State of Texas TPDES Permit TXR 150000.
- c. Inspections required and/or performed shall comply with the requirements of the State of Texas TPDES Permit TXR 150000. (Ord. No. 0-2011-45; 6/8/2011) (Ord. No. 0-2014-97; 10/22/14) (Ord. No. 0-2016-76; 8/24/16)

PART 9: 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 10-681 to read as follows:

Sec. 10-681. Violation, Penalty, and Enforcement

- a. It is the duty of the city to enforce this code. Appeals from the decision of the planning director may be made to the zoning board of adjustment, as provided by Article VIII, Division F. Reports of non-compliance with this code should be directed to the planning department. The planning department will accept complaints from the public. Upon receipt of a complaint, the zoning inspector will investigate and, if non-compliance exists, will inform the property owner of the violation, giving a reasonable amount of time to comply. Should the owner fail to comply within the time period, the owner will be subject to a fine established by the city council and kept on file in the planning department. Notice will:

1. through 4. No changes...

5. Will contain an outline of remedial action, which, if taken, will effect compliance with this division. At the end of such period as noted above, the Planning Director or designated enforcement officer will re-inspect, and if such conditions or practices have not been corrected, further legal action by the city may be instituted. Any person violating any of the requirements of this division may be deemed guilty of a misdemeanor and, upon conviction, may be punished by a fine in an amount established by the city council and kept on file in the planning department. (Ord. No. 0-98-90, 11/18/98) (Ord. No. 0-2002-46, 10/09/02) (Ord. No. 0-2016-76; 8/24/16)

PART 10: 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 11: 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, August 26, 2016.

PASSED AND APPROVED this the 24th day of August, A.D., 2016.

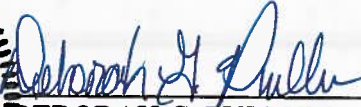

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2016-76

EXHIBIT "A"

UPDATE MATRIX

1 of 3

UDC AMENDMENT RECOMMENDATIONS					
UDC Review Committee recommendations highlighted in yellow					
Section	Item Changed	How Changed		Whose Suggestion	Potential Effect
		Old	New		
SUBSTANTIVE AMENDMENTS					
Article I Introductory Provisions					
Article II Zoning Districts					
Article III Use Regulations					
10-75	Mobile Food Units and Food Truck Parks	c. 11. Mobile Food Units may not stop for more than three consecutive hours at any one location to sell or serve food provided however this shall not apply to Mobile Food Units within Food Truck Parks or operating under an approved Temporary Use Permit or a permit issued by the Parks and Recreation Department. The Mobile Food Unit shall move at least 50 feet away from its previous location once the three hour period has expired and shall not return to the previous location within a one hour period of time.	c. 11. Mobile Food Units may not stop for more than six consecutive hours at any one location to sell or serve food provided however this shall not apply to Mobile Food Units within Food Truck Parks or operating under an approved Temporary Use Permit or a permit issued by the Parks and Recreation Department. The Mobile Food Unit shall move at least 50 feet away from its previous location once the six hour period has expired and shall not return to the previous location within a one hour period of time.	Food truck operators, Chamber of Commerce	Allow for a longer duration.
Article IV Subdivision Design and Improvements					
10-122	Gate and Accessway Design	All gate installations must conform to the following specifications: c. Approach and departures areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. All entry gates must provide five stacking spaces that can be accommodated in two lanes to allow for stacking of at least five vehicles out of the public travel lanes.	All gate installations must conform to the following specifications: c. Approach and departures areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. <u>All entry gates must have a minimum setback of at least 40 feet between the back of curb of the street and front of gate. Exceptions to the setback may be granted by the Development Services Engineer, in consultation with the Traffic Engineer, so long as it can be demonstrated that emergency vehicles can adequately maneuver the entry gate area. Entry gates to gated developments consisting of 50 lots or less must provide one stacking space for every ten lots (or fraction thereof) with a minimum of two stacking spaces per entry gate. Entry gates to gated developments exceeding 50 lots must provide at least five stacking spaces per entry gate. All stacking lanes that can be accommodated in two lanes to allow for stacking of at least five vehicles out of the public travel lanes.</u>	Design professionals	Will allow for more proportional stacking requirements while allowing enough space for emergency vehicles and queuing.
Article V Streets and Thoroughfares					
10-200	Design and Construction Standards	Private ways must conform to the same standards regulating the design and construction of fire apparatus access routes in accordance with the currently adopted version of the International Fire Code.	Private ways must conform to the same standards regulating the design and construction of fire apparatus access routes in accordance with the currently adopted version of the International Fire Code. <u>In addition to these standards, private ways serving as sole access to residentially-zoned properties where allowed in 10-23 of this Chapter, must be constructed of concrete.</u>	City Staff	More durability in residential private way construction standards.
Article VI Development Standards					
10-305	Tree Planting Standards and Specifications	Planting Requirements	Add: 9. In nonresidential districts, where newly planted trees are not able to stand up on their own, trees shall be staked with an at-grade root ball securing system. The system shall securely anchor the root ball, while allowing the trunk and the crown to move naturally. The system shall not use materials and methods that penetrate or damage the root ball. Above grade staking systems such as "T" posts with wires, hoses, straps, or guy wires wrapped around the tree trunk, shall not be allowed unless authorized by the Planning Director in consultation with the Urban Forester.	City Staff	Improved tree maintenance standards.

ORDINANCE NO. O-2016-76

EXHIBIT "A"

UPDATE MATRIX

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UDC AMENDMENT RECOMMENDATIONS					
UDC Review Committee recommendations highlighted in yellow					
Section	Item Changed	How Changed		Whose Suggestion	Potential Effect
		Old	New		
SUBSTANTIVE AMENDMENTS					
10-389	Required Stacking Spaces	Gatehouse (residential) 5 inbound spaces	Gatehouse (residential) <50 lots = One inbound space per ten units; >50 lots = five inbound spaces	City Staff	
10-400	Signs and Billboard Regulations		Changes to ensure content neutrality.	City Staff	Revise language that could be construed to be content-based, and therefore unconstitutional.
10-401	General Sign Regulations	<p>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.</p> <p>Facade 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.</p>	<p>Multi-tenant buildings, in accordance with an approved Master Signage Plan, may utilize one sign constructed of individually cut lettering and graphics without backing panel per frontage in lieu of allowable freestanding signage per frontage provided that the sign does not exceed ten percent of the width of the overall building facade or protrude four feet. 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. In no other instances shall a sign 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.</p> <p>Facade 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.</p>	Design professionals, business community	Allow considerations for contextual multi-tenant development identification while also reducing sign clutter along streets. Limited to signs constructed of individually cut letters or graphics without backing panel.
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					

ORDINANCE NO. O-2016-76
EXHIBIT "A"
UPDATE MATRIX
3 OF 3

UDC AMENDMENT RECOMMENDATIONS					
UDC Review Committee recommendations highlighted in yellow					
Section	Item Changed	How Changed		Whose Suggestion	Potential Effect
		Old	New		
CLARIFICATION AMENDMENTS					
Article I Introductory Provisions					
Article II Zoning Districts					
Article III Use Regulations					
10-76	Mobile Food Units and Food Truck Parks	d. 2. n. Site plan must show: Location and type of electrical outlets provided for each corresponding pad site. Major Food Truck Parks are required to provide electrical and water hookups for each MPU; and	d. 2. n. Site plan must show: Location and type of electrical outlets provided for each corresponding pad site. Major Food Truck Parks are required to provide electrical and water hookups for each MPU and may provide water hookups ; and	Development Community	Clarify that water hookups may be used, though are not required.
Article IV Subdivision Design and Improvements					
Article V Streets and Thoroughfares					
Article VI Development Standards					
10-454	Outdoor Transient Vendors	e. Enforcement Planning Department personnel, Police Department personnel and Code Enforcement Department personnel have full and complete authority to enforce the provisions of this section to outdoor transient vendors, and have authority to issue citations for violations thereof.	e. Enforcement Planning Department personnel, Police Department personnel, and Code Enforcement Department personnel have full and complete authority to enforce the provisions of this section to outdoor transient vendors, and have authority to issue citations for violations thereof. The Local Rabies Control Authority or designees, and Animal Control Officers, have full and complete authority to enforce the provisions of this section related to the sale or offering for sale of animals, and have authority to issue citations for violations of such provisions.	City Staff	Allow Animal Control officers to enforce provisions for vendors involving animals.
Article VII Environmental Regulations					
10-526	Erosion and Sediment Control Plan	a. The Erosion and Sediment Control Plan shall comply with the requirements of the State of Texas TPDES Permit TXR 15000. b. Design requirements shall comply with the requirements of the State of Texas TPDES Permit TXR 15000. c. Inspections required and/or performed shall comply with the requirements of the State of Texas TPDES Permit TXR 15000.	a. The Erosion and Sediment Control Plan shall comply with the requirements of the State of Texas TPDES Permit TXR 15000 . b. Design requirements shall comply with the requirements of the State of Texas TPDES Permit TXR 15000 . c. Inspections required and/or performed shall comply with the requirements of the State of Texas TPDES Permit TXR 15000 .	City Staff	Clarify reference.
Article VIII Development Approval Procedures					
Article IX Permits and Fees					
Article X Administration and Enforcement					
10-681	Landscaping and Tree Preservation	Sec. 10-681 Violation, Penalty, and Enforcement	replace references to "zoning inspector" with "Planning Director or designated enforcement officer"	City Staff	Clarify authority.
Article XI Historic Preservation					
Article XII Annexation					
Article XIII Definitions					