

ORDINANCE NO. O-2014-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, ESTABLISHING A COMMERCIAL CORRIDOR OVERLAY KNOWN AS BRICK STREET VILLAGE, AND CONSISTING OF 55 PROPERTIES GENERALLY BOUNDED BY THE WEST FACE OF SOUTH BROADWAY AVENUE, THE NORTH FACE OF DOBBS STREET, THE EAST FACE OF BOIS D'ARC AVENUE, AND SOUTH FACE OF CHARNWOOD STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the Commercial Corridor Overlay should be designated as set forth herein;

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

PART 1: That the following Commercial Corridor Overlay is hereby approved as follows:

I. APPLICATION CCO07-13-001

That the following described properties shall hereafter be included in a Commercial Corridor Overlay known as Brick Street Village, to wit:

55 properties totaling approximately 20.15 acres generally bounded by the west face of South Broadway Avenue, the north face of Dobbs Street, the east face of Bois D'Arc Avenue, and south face of Charnwood Street, and as more fully shown in Exhibit "B" attached hereto.

PART 2: That the City Council hereby makes the following findings:

a. That an application was received by the Planning Department for the designation of a Commercial Corridor Overlay named Brick Street Village.

b. That proper notice has been provided to all appropriate persons pursuant to City Code Section 10-586.

c. That all of the property owners to be affected by this designation and all interested persons have been afforded a full and fair hearing and an opportunity to provide their opinions to the City Council.

d. That a recommendation for approval has been received from the Planning and Zoning Commission.

e. That the purpose of said Commercial Corridor Overlay is to improve the aesthetic environment of the city's major commercial streets and arterial corridors through a process of redevelopment and reuse of private property by private interests and public infrastructure improvements in the public right-of-way; and

f. That the Commercial Corridor Overlay is further intended to:

1. Support, higher density, pedestrian and transit-friendly development near intersections of major arterial streets, highways, and gateways to the City of Tyler.
2. Encourage infill and redevelopment that is compatible with the natural beauty of the Tyler area and provides an attractive sequence of buildings and land uses.
3. Increase the amount and positive visual and environmental effects of tree planting and landscaping in the city.
4. Provide pedestrians and bicyclists safe, comfortable, and attractive access to sidewalks, crosswalks, and private properties, while accommodating automobiles.
5. Enhance the traffic function of major roads by managing access to adjacent land uses.
6. Provide effective and attractive street lighting.

g. That the area shown in Exhibit "B" is located within a designated Historic District listed in the National Register of Historic Places;

PART 3: That the area shown in Exhibit "B" shall be governed by the guidelines as shown in Exhibit "A" and the Unified Development Code in Tyler City Code Chapter 10. Exhibits "A" and "B" attached hereto are hereby adopted and are incorporated herein.

PART 4: Any amendments to the guidelines shown in Exhibit "A" and the overlay boundary shown in Exhibit "B" shall require that proper notice be provided to all appropriate persons pursuant to City Code Section 10-586, that a public hearing be held before the Planning and Zoning Commission, and be approved by Tyler City Council.

PART 5: That nothing contained in this designation of property as a Commercial Corridor Overlay shall affect the use of the property, and all uses therein shall be governed by the zoning use districts established in the Unified Development Code in Tyler City Code Chapter 10.

PART 6: That the City Manager or designee is hereby ordered and directed to cause the zoning map to be reflect the above described designation.

PART 7: 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.

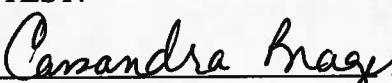
PART 8: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be March 28, 2014.

PASSED AND APPROVED this the 26th day of March, A.D., 2014.

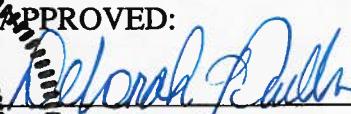


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY

**ORDINANCE 0-2014-18
EXHIBIT 'A'**

Brick Street Village Guidelines

- The official name for the Commercial Corridor Overlay is *Brick Street Village*.
- Lamp Posts – After the approval of initial lamp posts all additional lamp posts shall be similar in shape, color and size (Figure 1).
- Banners – After initial installation of banners all additional banners shall be similar in size and wording unless a specific event calls for specific wording (Figure 2).
- Signs - All signs shall be of a professional character and must abide by the City of Tyler's sign ordinance.
- Shop Fronts and residences should be maintained with no debris lying around.
- Large dumpsters in shop fronts are strongly discouraged and must abide by City of Tyler standards.
- Brick Street Village encourages all remodels and new construction to architecturally fit into the historical overlay area but is subject to the City of Tyler building codes and ordinances.
- Any amendments to these guidelines and/or the overlay boundaries require City Council approval.



Figure 1 Carriage House Lamp Post

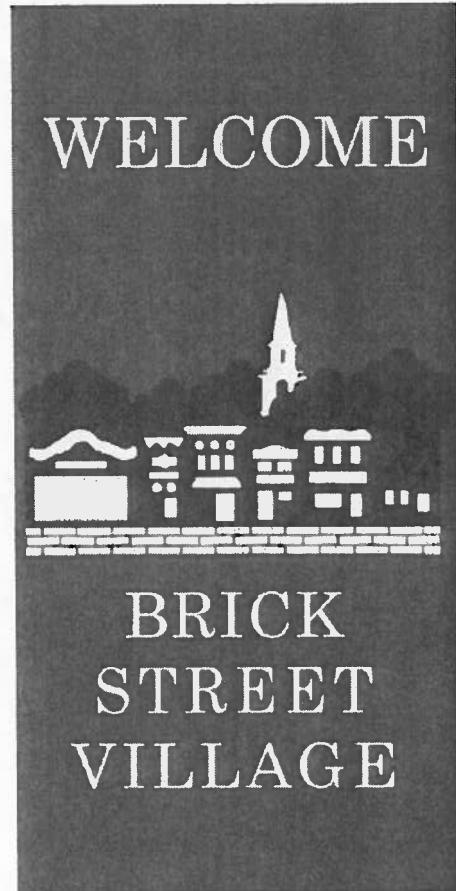
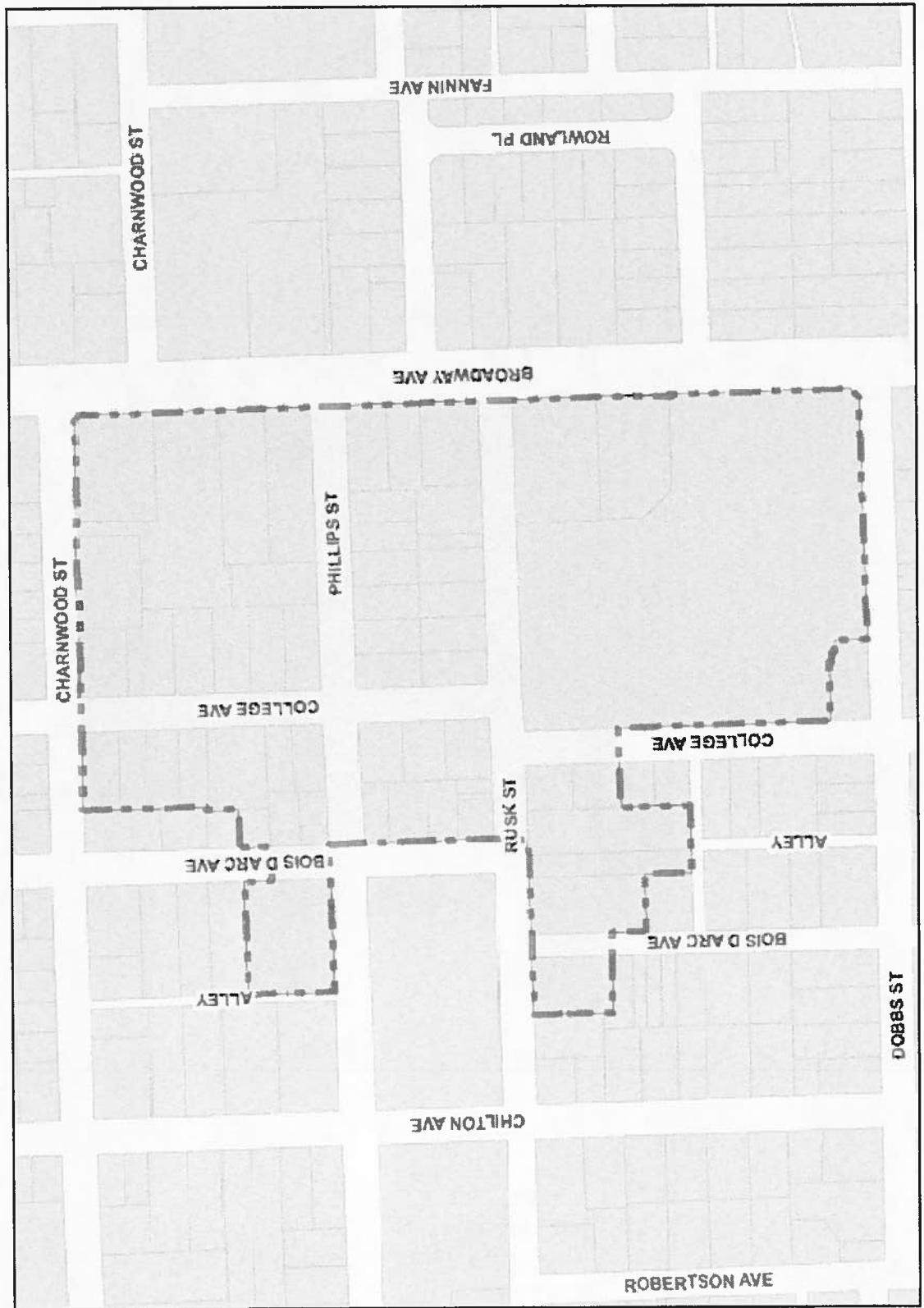


Figure 2 Brick Street Village Banner

ORDINANCE 0-2014-18
EXHIBIT 'B'

Brick Street Village



COMMERCIAL CORRIDOR OVERLAY
Zoning Case # C-2007-13-001
Applicant RHONDA REUTER

This overlay is to delineate land purposes which may not have been
properly or not been mapped for legal engineering or survey
purposes. It shall not, in any manner, be construed as an official survey
or map, and the Surveyor and the Surveyor's Subordinates
hereunder shall not be liable for any damages resulting from
its use.

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