

ORDINANCE NO. O-2023-29

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 STREETS AND THOROUGHFARES, MASTER STREET PLAN ADOPTION, DRIVEWAY AND ACCESS, SIDEWALKS, USE REGULATIONS, PARKING REQUIREMENTS, SIGNAGE, DEFINITIONS AND MINOR CLARIFICATIONS; 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 by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of certain municipal ordinances adopted under Texas Local Government Code Section 212.002 and other municipal ordinances relating to access to public roads or the pumping, extraction and use of groundwater by persons other than retail public utilities, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health; 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, under Texas Transportation Code Section 311.004, home-rule municipalities have certain authority over sidewalks; 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, the Unified Development Code in City Code Chapter 10 has been amended and updated from time to time; and

WHEREAS, on February 21, 2023, the Unified Development Code Review Committee reviewed these proposed amendments; and

WHEREAS, on April 11, 2023, the Planning and Zoning Commission reviewed these proposed amendments and voted to recommend approval to the City Council;

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 A., “Use Table Overview”, is hereby amended by amending following portion of the Table in Section 10-48 to read as follows, with no other changes to the Table:

Sec. 10-48. Residential District Use Table

USE GROUP Use Category Use Sub-Category Specific Uses	RE	R-1A	R-1B	R-1C	R-1D	R-2	R-MF	R-MH	NR	PUR	PMF	Use Standards
RESIDENTIAL												
Household Living												
Modular Housing	X	X	X	X	X	X			X	P		Sec. 10-50.c

(Ord. No. 0-2011-45; 6/8/2011) (Ord. No. 0-2012-38, 4/25/12) (Ord. No. 0-2014-33; 4/23/14)
 (Ord. No. 0-2014-97; 10/22/14) (Ord. No. 0-2019-87; 10/8/19) (Ord. No. 0-2023-29; 4/26/23)

PART 2: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article IV., “Subdivision Design and Improvements”, Division E., “Participation and Escrow Policies”, is hereby amended by amending Section 10-140 to read as follows:

Sec. 10-140. Developer’s Responsibility

- a. through c. No changes...
- d. Street designations (e.g. collector) will be determined based on the Master Street Plan. New proposed streets shall follow the lot density and street connectivity best practices outlined in the Master Street Plan and Article V, Division A of this Chapter to determine the new street’s designation. (Ord. No. 0-2023-29; 4/26/23)
- e. No changes...(Ord. No. O-2018-17; 2/14/18)

PART 3: 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 Sections 10-150, 10-151, 10-152, 10-153, 10-154, 10-155, 10-156 and 10-157 to read as follows:

Sec. 10-150. Purpose

A Master Street Plan has been approved by the Tyler Area Metropolitan Planning Organization (MPO) and adopted by the City Council on April 26, 2023 with exceptions to identify arterial and collector streets and to serve as a guide for future street development in the Tyler metropolitan planning area. The purpose of this plan is to provide for orderly improvement and expansion of the roadway system at minimum cost as the need for improvements arises. The plan delineates the street network estimated to be needed to convey adequately the traffic growth over the next 25 years. A copy of the master street plan is on file and available for public review in the planning department, the city clerk's office, and the Tyler Area Metropolitan Planning Organization's website. (0-2005-29, 4/27/05) (Ord. No. 0-2012-70; 9/12/12) (Ord. No. 0-2023-29; 4/26/23)

Sec. 10-151. Map and Report

A map labeled "Master Street Plan" and a report are hereby adopted as the city's street plan for the areas within the city limits, and within the city's extraterritorial jurisdiction, with exceptions as approved by City Council and listed in Section 10-154. The City Council will use the report as a guide to assist with future city code amendments, such as the subdivision provisions in this code. A copy of the map and the report are on file and available for public review in the planning department, the city clerk's office, and the Tyler Area Metropolitan Planning Organization's website. (0-2005-29, 4/27/05) (Ord. No. 0-2010-11; 1/27/10) (0-2011-25; 4/27/11) (Ord. No. 0-2012-70; 9/12/12) (Ord. No. 0-2023-29; 4/26/23)

Sec. 10-152. Platting Requirements

All preliminary plats, final plats, replats and amending plats must to meet all requirements of the master street plan, including the dedication requirements in this division unless otherwise exempted by this code. (Ord. No. 0-2023-29; 4/26/23)

Sec. 10-153. Determining Street Designations in Proposed Developments

New subdivisions requiring multiple access points in accordance with Sec 10-187 shall identify a route within the proposed subdivision which connects the access points and designate that route as a collector. In determining the expected number of residential lots serviced, lots in adjacent subdivisions shall also be considered where connections to adjacent subdivisions are made. (Ord. No. 0-2023-29; 4/26/23)

Sec. 10-154. Exceptions to Master Street Plan Requirements

Any person that desires to develop a street in a manner inconsistent with the recommendations of the master street plan maps or report may petition the City for relief through one of the following options.

a. Exemptions

An exemption to the master street plan right-of-way dedication requirements may be allowed when a property is replatted, if one of the following requirements are met:

1. and 2. No changes...
- b. and c. No changes...
- d. Exceptions to Master Street Plan Recommendations

The following exceptions to the 2021 Master Street Plan approved map recommendations adopted by the City Council on April 26, 2023, are hereby made.

1. The portion of Cumberland Road extending from Paluxy to Broadway will continue to be designated as a minor arterial but be limited to the 100 feet of right-of-way rather than the proposed 105 feet approved for other arterials. (0-2005-27, 4/27/05)
2. A 105 feet minor arterial proposed right-of-way along Rice Road, located at the northeast corner of the intersection of Richmond Road and Rice Road, extending 418 feet east along the north side of Rice Road. The dedication of 22½ feet of right-of-way is not required, but the existing 15-foot landscape easement is recognized and the dedication of an additional 7 ½ feet of right-of-way is required, to a total to 22½ feet. (0-2005-87; 10/26/05)
3. The required right-of-way for one way streets as designated in Chapter 17, Article IV., will be 65 feet for major arterials, and 60 feet for minor arterials and collectors. (Ord. No. 0-2006-11, 1/11/06)
4. The portion of South Broadway Avenue extending from 4th Street to Front Street is designated as a Minor Arterial with 90' right-of-way. (Ord. No. 0-2010-11; 1/27/10)
5. The west portion of Barbee Road between Paluxy Drive and County Road 2191 is adjusted to move the alignment south away from being only on the property line, with future access consideration to be given to the nearby educational facility. (Ord. No. 0-2023-29; 4/26/23)
6. Remove the collector designation for Caldwell Boulevard between North Parkdale Drive and Forest Avenue and designate Forest Avenue as a collector street to intersect with Garden Valley Road. (Ord. No. 0-2023-29; 4/26/23)
7. Add a collector street connecting Waljim Street and Cumberland Road west of Lakeway Drive. (Ord. No. 0-2023-29; 4/26/23)
8. Reclassify County Road 1121 from minor arterial to collector street south of Lindsey Park. (Ord. No. 0-2023-29; 4/26/23)
9. Reclassify County Road 1130 from minor arterial to minor collector between Toll 49 and Farm-to-Market Road 2661. (Ord. No. 0-2023-29; 4/26/23)
10. Reclassify County Road 1140 from principal arterial to minor collector between Toll 49 and County Road 1125. Remove proposed principal arterial designation between Toll 49 and Farm-to-Market Road 2661. (Ord. No. 0-2023-29; 4/26/23)
11. Realign County Road 1141 for a T-intersection with the future West Grande Boulevard extension. (Ord. No. 0-2023-29; 4/26/23)
12. Reclassify County Road 1227 from minor collector to minor arterial between Farm-to-Market Road 2661 and County Road 1141. (Ord. No. 0-2023-29; 4/26/23)
13. Extend County Road 1227 as a minor arterial street between Farm-to-Market Road 2661 and County Road 1254. (Ord. No. 0-2023-29; 4/26/23)

14. Realign West Grande Boulevard extension to align with County Road 1227. (Ord. No. 0-2023-29; 4/26/23)

15. Add extension of County Road 134 as a minor collector between County Road 137 and Farm-to-Market Road 346. (Ord. No. 0-2023-29; 4/26/23)

16. Add minor collector street connection between County Road 15 and County Road 2193. Remove the collector street designation for existing portion of County Road 2193 where it curves north. (Ord. No. 0-2023-29; 4/26/23)

17. Reclassify County Road 178 from minor arterial to minor collector between Farm-to-Market Road 2813 to County Road 192. Remove connection between County Road 192 and Three Lakes Parkway extension. (Ord. No. 0-2023-29; 4/26/23)

18. Realign County Road 336 west to connect to Farm-to-Market Road 2015. (Ord. No. 0-2023-29; 4/26/23)

19. Realign Crosslake Boulevard into County Road 192 instead of Three Lakes Parkway. (Ord. No. 0-2023-29; 4/26/23)

20. Add minor arterial extension for East Grande Boulevard between State Highway 110 and Farm-to-Market Road 848. (Ord. No. 0-2023-29; 4/26/23)

21. Reclassify County Road 2122 from minor collector to minor arterial between East Grande Boulevard and County Road 2120/County Road 262. (Ord. No. 0-2023-29; 4/26/23)

22. Remove collector street designation for Jeff Davis Drive.
(Ord. No. 0-2023-29; 4/26/23)

23. Continue New Copeland Road as a minor arterial street to connect with Paluxy Drive. Reclassify to minor arterial between East Grande Boulevard and Paluxy Drive. (Ord. No. 0-2023-29; 4/26/23)

24. Reclassify Old Noonday Road from minor arterial to minor collector between West Grande Boulevard and County Road 178. (Ord. No. 0-2023-29; 4/26/23)

25. Classify Paula Drive as a minor collector street and extend between Spur 364 and County Road 1121. (Ord. No. 0-2023-29; 4/26/23)

26. Extend Robertson Road as a major collector street between Loop 323 and Earl Campbell Parkway. (Ord. No. 0-2023-29; 4/26/23)

27. Realign Three Lakes Parkway intersection with State Highway 155 further north of Summit Ridge Drive. (Ord. No. 0-2023-29; 4/26/23)

28. Designate Timber Bend Trail as the collector street between County Road 461 and Old Rand Road, connect to Highway 69 North rather than County Road 471. (Ord. No. 0-2023-29; 4/26/23)

29. Remove proposed collector street connecting Waljim Street and Cumberland Road between Lakeview Drive and Crooked Trail. (Ord. No. 0-2023-29; 4/26/23)

Sec. 10-155. Street Dedications and Reservations

a. Dedication of Right-of-Way

The developer must provide all right-of-way required for existing or future streets, as outlined in the master street plan or other valid development plans approved by the planning and zoning commission or City Council as applicable. Greenbelts, buffers, strips of land, open spaces or undevelopable land as shown on the preliminary plat and phasing plan must be platted at the time the adjacent developable lots are platted. In the case of perimeter streets, half of the total required right-of-way for such streets must be provided. However, in some instances more than half will be required depending on the actual or proposed alignment of the street. (Ord. No. 0-2017-100); 11/8/17) (Ord. No. 0-2023-29; 4/26/23)

b. through d. No changes...(Ord. No. 0-2013-41; 5/22/13)

Sec. 10-156. Street Construction

The developer must construct all streets or thoroughfares to city standards in rights-of-way as required by the master street plan and must follow the approved cross section standards as per the master street plan Report document, subject to participation policies stated in Article V, Division D and E. Streets (including sidewalks) which dead-end at power lines, railroad, or similar rights-of-way, and are intended for future extension must be constructed in the full right-of-way as required by the master street plan for half the distance across such right-of-way for each side. Widths shown below are face to face of curbs and required on both sides of divided streets. Developers of property abutting only one side of a street are responsible for half of the road up to a residential street section. When no road exists, the minimum is a 28 foot pavement section. The minimum paving widths for the various types of streets must be as follows:

Table 10-156 Minimum Paving Widths

Type	Functional Classification	Row Width	Face to Face	Travel Lanes	Median Width	Left Turn Lane Width	Residential Lot Capacity	Active Mobility Element
	Cul-De-Sac	55'	28'	2			≤60	4' sidewalk both sides @ 5.5' back of curb [6]
	Local Street	55'	28' [1]	2			≤60	4' sidewalk both sides @ 5.5' back of curb [6]
E	Minor Collector							
	Rural	60'	24' [4]	2			≥61	
	Suburban	60'	32'	2			≥61	10' shared use path both sides @ 3.5' back of curb
	Urban	60'	40'	2			≥61	6' sidewalk, both sides @ 2.5' back of curb plus a 5' bike lane both sides buffered 2' from travel lane.
	Urban Core	60'	28'	2			≥61	6' sidewalk both sides buffered 2' from cycle track both sides @ 2.5' back of curb

Type	Functional Classification	Row Width	Face to Face	Travel Lanes	Median Width	Left Turn Lane Width	Residential Lot Capacity	Active Mobility Element
D	Commercial Street	60'	40'	2				4' sidewalk both sides @ 5.5' back of curb [6]
C	Major Collector							
	Rural	70'	24' [2] [4]	2			≥61	
	Suburban	70'	40' [2]	2		1 @ 13'	≥61	10' shared use path both sides @ 4.5' back of curb
	Urban	70'	52'	2		1 @ 12'	≥61	6' sidewalk, both sides @ 2.5' back of curb plus a 5' bike lane both sides buffered 2' from travel lane.
	Urban Core	70'	40' [2]	2		1 @ 13'	≥61	6' sidewalk both sides buffered 2' from 5' bike lane both sides @ 2.5' back of curb
B	Minor Arterial							
	Rural	110'	24' in each direction [4]	4	20'	1 @ 13' [5]		12' shared use path one side or alternative at least 12' back of shoulder
	Suburban	110'	28' in each direction	4	20'	1 @ 13' [5]		10' shared use path both sides @ 6' back of curb
	Urban	110'	28' in each direction	4	40'	1 @ 13' [5]		6' sidewalk, both sides buffered 2' from 5' bike lane both sides @ 3' back of curb
	Urban Core	110'	36'	2		1 @ 12' [5]		14' sidewalk both sides buffered 2' from 5' bike lane both sides @ 4' back of curb
A	Principal Arterial							
	Rural	130'	24' in each direction [4]	4	16'	1 @ 13' [5]		10' shared use path both sides at least 20' back of shoulder
	Suburban	130'	40' in each direction	6	16'	1 @ 13' [5]		10' shared use path both sides @ 6' back of curb
	Urban	130'	40' in each direction	6	16'	1 @ 13' [5]		6' sidewalk, both sides buffered 2' from 5' bike lane both sides @ 3' back of curb
	Urban Core	130'	48' [2]	4				9' sidewalk both sides buffered 2' from 5' bike lane both sides @ 4' back of curb

The Notes to New Table 10-156 are hereby amended to read as follows:

Note 1: Street extensions or stub-outs into unplanned areas must have a minimum pavement width of 32 feet measured face of curb to face of curb.

Note 2: The width of a major collector must be flared to 52 feet at the intersection with an arterial or major collector. The width of the right-of-way must be flared to 80 feet. The length of the flare must be 130 feet with a 100 foot taper.

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)

Note 4: Includes 1' shoulder adjacent to travel lanes

Note 5: Median turning-bay

Note 6: Sidewalk placed at the back of curb must be at least five feet wide.

(Ord. 0-2013-16; 2/27/13) (Ord. No. 0-2017-69; 8/23/17) (Ord. No. 0-2023-29; 4/26/23)

Sec. 10-157. Improvement, Widening, and Realignment of Streets

No other changes...

Sec. 10-158- 159. Reserved

PART 4: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article V., "Streets and Thoroughfares", Division B., "Street Design Standards", is hereby amended by amending Section 10-163 to read as follows:

Sec. 10-163. Future Connections

Street extensions are required to link subdivisions and to provide stub out spacing averaging 1,000 foot spacing access to contiguous, unplatted land, except for subdivisions with private streets. Stub out locations are established by the preliminary plat in accordance with this section. Temporary cul-de-sacs must be installed by the developer when required by the development services engineer. (Ord. No. 0-2023-29; 4/26/23)

PART 5: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article V., "Streets and Thoroughfares", Division C., "Street Connectivity", is hereby amended by amending Sections 10-181, 10-184, 186 and 187 to read as follows:

Sec. 10-181. Applicability

All proposed public and private streets must be continuous and connect to existing, platted, or planned streets without offset, except for cul-de-sacs as permitted in Sec. 10-167. (Ord. No. 0-2023-29; 4/26/23)

Sec. 10-184. Collector Street Connectivity Requirement

All collector-designated streets will connect on both ends to an existing or planned collector or higher functional classification street. Newly created collectors must have separate connection points to the transportation network in accordance with the preliminary plat and approved phasing. (Ord. No. 0-2023-29; 4/26/23)

Sec. 10-186. Circulation

- a. through c. No changes...
- d. Permitted alternative to cul-de-sacs may be approved by the Development Services Engineer (Ord. No. 0-2023-29; 4/26/23)

Sec. 10-187. Required Subdivision Access Points

- a. No changes...
- b. A subdivision of 61 lots to ≤120 lots must provide access to the existing or proposed public roadway system via two separate access points at minimum unless extreme natural conditions would result in an undue burden in making such connection, as determined by the planning director and the development services engineer. In which case, a divided boulevard entrance with two lanes in and two lanes out to a collector street or larger may count as two access points. (Ord. No. 0-2023-29; 4/26/23)
- c. No changes...(Ord. No. 0-2009-19; 3/11/09)

PART 6: 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 10-202 to read as follows:

Sec. 10-202. Homeowner's Associations Required

- a. General Requirements
 - 1. No changes...
 - 2. The homeowner's association must have the direct responsibility to provide for the operation and maintenance of all private infrastructure, common areas and facilities, including private access and sidewalks, which are a part of the enclave subdivision. (Ord. No. 0-2014-97; 10/22/14)
- b. HOA Documents
 - 1. and 2. No changes...
 - 3. The HOA Documents must establish a plan for the use and permanent maintenance of the private infrastructure/common areas/facilities and demonstrate that the homeowner's association is self-perpetuating and adequately funded by regular assessment and/or special assessment to accomplish its purposes.
 - 4. The HOA Documents must include provisions that provide the city with permission for access at any time without liability when on official business, and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. The HOA documents must be approved by the city attorney as to legal form prior to any plat recordation and shall be recorded by the developer prior to the issuance of a Letter of Final Acceptance for the infrastructure. (Ord. No. 0-2023-29; 4/26/23)

PART 7: 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 10-211 to read as follows:

Sec. 10-211. Private Driveways

- a. through e, including Tables. No changes...
- f. Number of Driveways per Parcel
 - 1. One Cross access is required between adjacent non-residential properties so that each property can share the use of the driveway(s) on the adjacent property. A shared driveway that is centered on the common property line is also encouraged. When one non-residential property develops before the adjacent property develops, the full width of the shared driveway shall be constructed at that time. Each non-residential property is required to construct the cross access drive on its property and to connect it to any adjacent existing driveway/cross access drive or

extend to the location where a future connection is anticipated. Ord. No. 0-2023-29; 4/26/23)

2. Shared driveway connections can be required by the Development Services Engineering Manager or Traffic Engineer to ensure adequate circulation. (Ord. No. 0-2023-29; 4/26/23)

3. One driveway opening is permitted to a parcel from any abutting street provided that access is not otherwise controlled or restricted.

4. Additional driveways may be permitted in accordance with Table 10-211e as part of building permit site plan review.

5. Additional driveways may be allowed, subject to approval by the development services engineer if they are shared access driveways, or shared access easements are provided. (Ord. No. 0-2014-97; 10/22/14) (Ord. No. 0-2023-29; 4/26/23)

g. through i., including Tables. No changes...

PART 8: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article V., "Streets and Thoroughfares", Division E., "Sidewalks", is hereby amended by amending Section 10-230 to read as follows:

Sec. 10-230. General Requirements

a. Sidewalks must be installed to provide all residential and non-residential areas with direct access to all neighborhood facilities, including the elementary school, parks and playgrounds, religious institutions, and shopping centers.

b. Sidewalks are required on both sides of all streets except for specific rural street cross sections detailed in the Master Street Plan or where no curb and gutter exists or is required.

c. Sidewalks in planned developments are to be in accordance with this section or in accordance with a sidewalk master plan submitted as part of the planned development approval. All planned developments are to provide pedestrian or other walkability improvements.

d. A sidewalk may be required on cul-de-sac streets if needed to provide through pedestrian access to commercial and employment areas, parks, greenways, or streets and shall be constructed with the subdivision infrastructure.

e. All required sidewalks must be constructed prior to certificate of occupancy or final inspection, as applicable.

f. Sidewalks may generally be placed within the right-of-way as determined by the development services engineer and when so specified. Private streets that propose to have narrower rights-of-way than the City standard are still required to provide sidewalk, but may construct it on private property in accordance with an approved zoning site plan or sidewalk master plan.

g. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks. Required sidewalks serving non-residential lots must connect to parking within the lot and to primary building entrances. Required connections may include street crosswalks but may not span distances of more than 50 feet without an improvement to protect pedestrians from vehicles.

h. Easements are required for public sidewalks that are constructed on private property.

i. Adequate signs and street markings must be provided for all crosswalks.

j. Properties that have had a preliminary plat approved prior to March 10, 2000 shall be exempted from the requirements of this Section. (Ord. No. 0-2023-29; 4/26/23)

Table 10-230 Sidewalk Requirements

Street Type	Functional Classification	Minimum Sidewalk Width and Location	Sidewalk Alternative
	Cul-De-Sac	4' sidewalk both sides @ 5.5' back of curb [a]	Yes [b]
	Local Street	4' sidewalk both sides @ 5.5' back of curb [a]	Yes [b]
E	Minor Collector		
	Rural		
	Suburban	10' shared use path both sides @ 3.5' back of curb	Yes [b]
	Urban	6' sidewalk, both sides @ 2.5' back of curb plus a 5' bike lane both sides buffered 2' from travel lane.	Yes [b]
	Urban Core	6' sidewalk both sides buffered 2' from cycle track both sides @ 2.5' back of curb	Yes [b]
D	Commercial Street	4' sidewalk both sides @ 5.5' back of curb [a]	Yes [b]
C	Major Collector		
	Rural		
	Suburban	10' shared use path both sides @ 4.5' back of curb	Yes [b]
	Urban	6' sidewalk, both sides @ 2.5' back of curb plus a 5' bike lane both sides buffered 2' from travel lane.	Yes [b]
	Urban Core	6' sidewalk both sides buffered 2' from 5' bike lane both sides @ 2.5' back of curb	Yes [b]
B	Minor Arterial		
	Rural	12' shared use path one side or alternative at least 12' back of shoulder	[c]
	Suburban	10' shared use path both sides @ 6' back of curb	[c]
	Urban	6' sidewalk, both sides buffered 2' from 5' bike lane both sides @ 3' back of curb	[c]
	Urban Core	14' sidewalk both sides buffered 2' from 5' bike lane both sides @ 4' back of curb	[c]
A	Principal Arterial		
	Rural	10' shared use path both sides at least 20' back of shoulder	[c]
	Suburban	10' shared use path both sides @ 6' back of curb	[c]
	Urban	6' sidewalk, both sides buffered 2' from 5' bike lane both sides @ 3' back of curb	[c]
	Urban Core	9' sidewalk both sides buffered 2' from 5' bike lane both sides @ 4' back of curb	[c]

Note a: Sidewalk placed at the back of curb must be at least five feet wide.

Note b: A sidewalk master plan to be submitted with the preliminary plat must show the location and widths of all new sidewalks and greenbelt trails being planned for the subdivision and the connection points with existing sidewalks and greenbelt trails. The alignment, location, and width of the sidewalk may be varied if approved on the sidewalk master plan.

Note c: The development services engineer may approve variances to this location of the sidewalk.

(Ord. No. 0-2023-29; 4/26/23)

- j. Properties that have had a preliminary plat approved prior to March 10, 2000 shall be exempted from the requirements of this Section. (Ord. No. 0-2000-11, 3/1/2000) (Ord. No. 0-2006-11, 1/11/06) (Ord. No. 0-2006-19, 2/8/06) (Ord. No. 0-2010-20, 3/10/10) (Ord. No. 0-2023-29; 4/26/23)

PART 9: 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 10-295 to read as follows:

Sec. 10-295. Landscape Area Requirements

- a. No changes...
- b. The minimum width of required landscaping in the street yard is 10 ft. for properties abutting principal arterial streets. (Ord. No. 0-2023-29; 4/26/23)
- c. through g, No changes...

PART 10: 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 d. No changes...
- e. No future on-street parking will be allowed other than parallel, except as approved in a planned development. (Ord. No. O-2000-68, 9/6/00) (Ord. No. 0-2023-29; 4/26/23)
- f. through i. No changes...

PART 11: 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 the following specific portions of the Tables in Sections 10-408 and 10-409 to read as follows, with no other changes to the Tables:

Sec. 10-408. Sign Standards in Residential Districts

Sign Type district/use	Max. Number	Max. Area (sq. ft.) or Max. Width (ft.)	Max. Height (feet)	Minimum Setback	Additional Requirements
Freestanding Sign					
R-MF and PMF districts	1 / frontage	32	10	2	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. (Ord. No. 0-2023-29; 4/26/23)

(Ord. 0-2010-20, 3/10/10) (Ord. No. O-2010-119; 11/10/10) (Ord. No. 0-2013-41; 5/22/13) (Ord. No. 0-2015-67; 6/24/15) (Ord. No. O-2016-76, 8/24/16) (Ord. No. 0-2023-29; 4/26/23)

Sec. 10-409. Sign Standards in Nonresidential Districts

BILLBOARDS					
In M-1, M-2 districts and ETJ	1 / lot within city limits, In ETJ, subject to spacing requirements.	672	35	See Sec. 10-430(b)	See Sec.10-430 (Ord. No. 0-2023-29; 4/26/23)

(Ord. 0-2010-20, 3/10/10) (Ord. No. O-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. O-2016-76, 8/24/16) (Ord. No. 0-2019-62; 8/14/19) (Ord. No. 0-2021-20; 3/24/21) (Ord. No. 0-2023-29; 4/26/23)

PART 12: 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 10-411 to read as follows:

Sec. 10-411. Flags

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

a. through d. No changes...

(Ord. 0-2010-20, 3/10/10) (Ord. No. O-2010-119; 11/10/10) (Ord. No. 0-2023-29; 4/26/23)

PART 13: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article VIII., “Development Approval Procedures”, Division D., “Subdivisions”, is hereby amended by amending Section 10-636 to read as follows:

Sec. 10-636. Replatting

a. Replat Required

Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the platting of land by these regulations. An exemption to right-of-way dedication requirements in is allowed if the requirements of Sec. 10-155 (a) or (b) are met. (Ord. No. 0-2023-29; 4/26/23)

b. No changes...

(Ord. No. 0-2006-19; 2/8/06).

PART 14: That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article XIII., “Definitions”, Division A., “Definitions”, is hereby amended by amending certain definitions, deleting certain definitions and adding new definitions, in the appropriate alphabetical order and with no other changes to Division A., to read as follows:

Flag Pole Sign

A piece of fabric or other flexible material attached to a ground-supported staff at one end. (Ord. 0-2010-20, 3/10/10) (Ord. No. 0-2023-29; 4/26/23)

Street, Collector

These roadways serve as connectors from local roads to arterials, provide a moderate degree of mobility and access, accommodate moderate traffic volumes, and serve demand for intra-area travel for people. Typically, collectors serve residential and commercial traffic over short distances connecting residences and neighborhood commercial centers. (Ord. No. 0-2023-29; 4/26/23)

Street, Functional Classification

A hierarchical organization of streets and highways that facilitates the safe and efficient operation of vehicles along different types of facilities and based upon the degree of use by vehicles. The order of functional classification, from highest (heaviest amount of use) to lowest (lowest amount of use) is as follows: interstates, freeways and expressways, principal arterials, minor arterials, collectors, and local streets (such as residential and cul-de-sacs). (Ord. No. 0-2006-11, 1/11/06) (Ord. No. 0-2023-29; 4/26/23)

Street, Local

These roadways serve individual lots, provide a low degree of mobility with a high degree of access to adjacent properties, accommodate low traffic volumes, and serve as the origin or destination end of a trip. Typically, local streets serve neighborhood traffic and have a short length before connecting to a higher classification street. (Ord. No. 0-2023-29; 4/26/23)

Street, Minor Arterial

These roadways serve intra-community travel within the area, provide a high degree of mobility with moderate access to adjacent properties, accommodate high traffic volumes, and serve demand for inter and intra-area travel for people and freight. Typically, minor arterials serve trips of moderate length and connect collectors and local streets to principal arterials. (Ord. No. 0-2023-29; 4/26/23)

Street, Principal Arterial

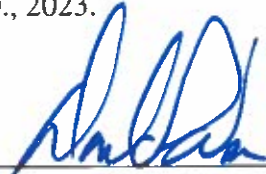
These roadways serve major centers of metropolitan areas, provide a high degree of mobility with minimal access to adjacent properties, accommodate high traffic volumes, and serve demand for inter-area travel for people and freight. Typically, principal arterials serve a particular urban area, radiating out from the urban center to serve the surrounding region. (Ord. No. 0-2023-29; 4/26/23)

PART 15: 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 16: 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, April 28th, 2023.

PASSED AND APPROVED this the 26th day of April, A.D., 2023.



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK





DEBORAH G. PULLUM,
CITY ATTORNEY