



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: O-3

Date: January 11, 2006

Subject: Request that the City Council consider an Ordinance amending Tyler City Code Chapter 10, "Planning and Zoning", Article III., "Development", Division A., "Subdivision Rules", by amending the Subdivision Ordinance to clarify and harmonize definitions and provisions with the Master Street Plan Report Document, regarding classifications of streets, right-of-way and street widths, flare requirements, and sidewalk requirements; and amending Division B., "Master Street Plan", by amending the Master Street Plan requirements to provide for an exemption to dedication requirements for replatting of major and minor arterials under certain circumstances; establishing a procedure for voluntary joint applications for amending the Master Street Plan, and specifying the right-of-way requirements for one-way streets.

Page: 1 of 2

Item Reference: City of Tyler Subdivision Ordinance and Master Street Plan; Tyler City Code Chapter 10, Article III., Divisions A. and B.; Texas Local Government Code Chapter 212

On September 27, 2005, the Planning and Zoning Commission met for their regularly scheduled work session. Commissioners asked Staff to research a way to add flexibility to the Master Street Plan requirements regarding developed property that is being subdivided. A special work session was held on October 21, 2005, to discuss Staff's suggested changes in more detail. Staff recommended the following changes to the Subdivision Ordinance regarding the platting process and relativity to the Master Street Plan requirements:

- Exempt properties from dedicating right-of-way as per the Master Street Plan if the property is platted and has existing improvements (see attached Ordinance, Section 10-36).

Other suggested changes are considered "clean-up" in nature. These changes are being made in order to allow the newly adopted Master Street Plan Ordinance language to be harmonious with the Subdivision Ordinance. Suggested changes are:

- definitions (see attached Ordinance, Part 1).
- street widths chart (see attached Ordinance, Part 4).
- sidewalk chart (see attached Ordinance, Part 5).

Agenda Number: O-3

Page: 2 of 2

On December 7, 2005, the Planning and Zoning Commission held a public hearing on this Ordinance amendment. No one spoke in opposition to the Ordinance.

RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends that the City Council adopt the attached ordinance amending the Subdivision and Master Street Plan requirements in Chapter 10, "Planning and Zoning", Article III., "Development", Divisions A. and B.



Drafted/Recommended By:
Department Leader Stephanie Rollings



Kirk Houser

Edited/Submitted By:
City Manager

ORDINANCE NO. 0-2006-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 10 “PLANNING AND ZONING”, ARTICLE III., “DEVELOPMENT”, DIVISION A., “SUBDIVISION RULES”, BY AMENDING THE SUBDIVISION ORDINANCE TO CLARIFY AND HARMONIZE DEFINITIONS AND PROVISIONS WITH THE MASTER STREET PLAN REPORT DOCUMENT, REGARDING CLASSIFICATIONS OF STREETS, RIGHT-OF-WAY AND STREET WIDTHS, FLARE REQUIREMENTS, AND SIDEWALK REQUIREMENTS; AMENDING DIVISION B., “MASTER STREET PLAN”, BY AMENDING THE MASTER STREET PLAN REQUIREMENTS TO PROVIDE FOR AN EXEMPTION TO DEDICATION REQUIREMENTS FOR REPLATTING OF MAJOR AND MINOR ARTERIALS UNDER CERTAIN CIRCUMSTANCES; ESTABLISHING A PROCEDURE FOR VOLUNTARY JOINT APPLICATIONS FOR AMENDING THE MASTER STREET PLAN, AND SPECIFYING THE RIGHT-OF-WAY REQUIREMENTS FOR ONE-WAY STREETS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; 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 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 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the 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, 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, 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 the municipal ordinance prescribing rules governing plats and subdivisions of land; and

WHEREAS, under Texas Local Government Code Section 212.010, the municipal authority responsible for approving plats shall approve a plat if it conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities; the general plan for the extension of the municipality and its roads, streets and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities; and any rules adopted under Section 212.002; and

WHEREAS, as authorized by State law, the Tyler City Council has adopted specific plat and subdivision regulations in a Subdivision Ordinance in Tyler City Code Chapter 10, Article III.; and

WHEREAS, the Tyler City Council has adopted a Master Street Plan in City Code Section 10-61; and

WHEREAS, it is important to amend the provisions related to the Master Street Plan; and

WHEREAS, on 12/7/05, the Planning and Zoning Commission reviewed this proposed ordinance, and voted to recommend approval;

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

PART 1: That Tyler City Code Chapter 10, “Planning and Zoning”, Article III., “Development”, Division A., “Subdivision Rules”, is hereby amended by amending the Definitions in Section 10-31 by amending current definitions, adding new definitions, and placing such terms in the appropriate alphabetical order in Section 10-31:

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 usage by vehicles. In order of highest functional classification (heaviest amount of use) to lowest (lowest amount of use): Freeways/Tollways, Major Arterials, Collectors, and Local Streets (such as Residential and Cul-de-sacs). (Ord. No. 0-2006-11, 1/11/06)

Major Arterial. A road intended to move traffic to and from major attractions such as shopping centers, colleges, major industrial employers, and similar traffic generators within the governmental unit. (Ord. No. 0-2006-11, 1/11/06)

Minor Arterial. A road intended to collect and distribute traffic in a manner similar to a major arterial, except these roads service minor traffic generators such as commercial areas, hospitals, churches, and offices are designed to carry traffic from collector streets to the system of major arterials. (Ord. No. 0-2006-11, 1/11/06)

PART 2: That Tyler City Code Chapter 10, “Planning and Zoning”, Article III., “Development”, Division A., “Subdivision Rules”, is hereby amended by amending the Replatting provisions in Section 10-36 to read as follows:

Section 10-36. Replatting.

Replatting of Land

1. 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 Section 10-40.d.3(a) for certain replats is allowed if the requirements of Section 10-61.c. are met.

2. Replatting Without Vacating Preceding Plat - A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

(a) Is signed and acknowledged by only the owners of the property being replatted;

(b) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

(c) Is approved by the Director or Commission or City Council, as applicable.

3. Any replat which adds or deletes lots must include the original lot boundaries.

4. Plats must conform to applicable State law with regard to public notification requirements in Texas Local Government Code Sections 212.014 and 212.015, or successors. (Ord. No. 0-2000-11, 3-1-2000) (Ord. No. 0-2006-11, 1/11/06)

PART 4: That Tyler City Code Chapter 10, “Planning and Zoning”, Article III., “Development”, Division A., “Subdivision Rules”, is hereby amended by amending Section 10-40., subsection d.4 and the Street Widths Chart as follows:

4. Street Construction – The developer shall construct all streets or thoroughfares to City standards in rights-of-way as required by the Master Street Plan and shall follow the approved cross section standards as per the Master Street Plan Report document, subject to participation policies stated in Sections 10-45 – 10-46. Streets (including sidewalks) which dead-end at power lines, railroad, or similar rights-of-way, and are intended for future extension shall 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 side of a street are responsible for the minimum paving widths shown below. The minimum paving widths for the various types of streets shall be as follows:

STREET WIDTHS				
TYPE	CLASSIFICATION	ROW WIDTH	STREET WIDTH (face to face)	RESIDENTIAL LOT CAPACITY (NOTE 4)
	CUL-DE-SAC	55'	28'	Cul-de-sacs
F	RESIDENTIAL	55'	28' (Note 1)	Less than 60
E	COLLECTOR	60'	32'	60 or more
D	COMMERCIAL STREET	60'	40'	
C	COLLECTOR MAJOR	70'	40' (Note 2)	
B	ARTERIAL MINOR	105'	78'	
	ARTERIAL MINOR W/BIKE LANE	115'	88'	
A	ARTERIAL MAJOR	130'	101'	

Note 1: Street extensions or stub-outs into unplanned areas shall have a minimum pavement width of thirty-two (32') feet measured face of curb to face of curb.

Note 2: The width of a major collector shall be flared to fifty-two (52') feet at the intersection with an arterial or major collector. The width of the right-of-way shall be flared to eighty (80') feet. The length of the flare shall be one hundred thirty feet (130') with a one hundred foot (100') taper.

Note 3: Commercial use shall be based on the following Zoning Districts: R-3, C-1, C-2, C-4, M-1, M-2 and M-3. 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.

Note 4: The intent of this ordinance is to define Residential Lot Capacity as the total number of lots served by a specific street category, inclusive of all lesser category streets, divided by the number of City approved intersections with a higher category street. For example, the maximum Residential Lot Capacity for a Type F Residential street would be determined by calculating the total number of lots fronting on that street, plus any lots fronting on cul-de-sacs with access only to the above mentioned Type F Residential street, divided by the number of intersections with a Type E Local Collector street. (Ord. No. 0-2006-11, 1/11/06)

PART 5: That Tyler City Code Chapter 10, "Planning and Zoning", Article III., "Development", Division A., "Subdivision Rules", is hereby amended by amending Section 10-42, subsection c.2., Sidewalk Requirements Chart, to read as follows:

SIDEWALK REQUIREMENTS					
STREET TYPE	STREET NAME	REQUIRED SIDEWALK	SIDEWALK WIDTH	LOCATION OF SIDEWALK	SIDEWALK ALTERNATIVE

	CUL-DE-SACS	No			
F	RESIDENTIAL	Yes	4 feet (Note 1)	Both Sides @ 5 ½ Feet Back of Curb	Yes Master Plan (Note 2)
E	COLLECTOR RESIDENTIAL	Yes	4 Feet (Note 1)	Both Sides @ 5 ½ Feet Back of Curb	Yes Master Plan (Note 2)
D	COMMERCIAL STREET	Yes	4 Feet (Note 1)	Both Sides @ 5 ½ Feet Back of Curb	Yes Master Plan (Note 2)
C	COLLECTOR	Yes	4 Feet (Note 1)	Both Sides @ 9 ½ Feet Back of Curb	(Note 3)
B	ARTERIAL MINOR	Yes	4 Feet	Both Sides @ 4 feet from ROW	(Note 3)
A	ARTERIAL MAJOR	Yes	4 Feet	Both Sides at 19 ½ Feet Back of Curb	(Note 3)

Note 1: If sidewalk is placed at the back of curb, the width shall be five (5') feet.

Note 2: A Sidewalk Master Plan of the sidewalk network for the subdivision shall be submitted with the preliminary plat. The Sidewalk Master Plan shall 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 3: The City Engineer may approve variances to this location of the sidewalk. (Ord. No. 0-2006-11, 1/11/06)

PART 6: That Tyler City Code Chapter 10, "Planning and Zoning", Article III., "Development", Division B., "Master Street Plan", is hereby amended by amending Section 10-61 relating to the Master Street Plan as follows:

Sec. 10-61. Master Street Plan

a. Purpose. A Master Street Plan has been approved by the City Council on April 27, 2005, to establish arterial streets and to serve as a guide for future collector street development in Tyler. 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 in the future for the Tyler urban area and its extraterritorial jurisdiction. A copy of the Master Street Plan is on file and available for public review in the Planning and Zoning Department and City Clerk's Office. (0-2005-29, 4/27/05)

b. Map. 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, including both inside and outside Loop 323, and within the City's extraterritorial jurisdiction. The City Council will use the report as a guide to assist with future City ordinance amendments, such as the Subdivision Ordinance. A copy of the map and

the report are on file and available for public review in the Planning and Zoning Department and City Clerk's Office. (0-2005-29, 4/27/05)

c. Unplatted properties; exemption to right-of-way dedication requirements for certain replats.

1. All unplatted property shall be required to meet all requirements of the Master Street Plan, including the Master Street Plan dedication requirements in Section 10-40.d.3(a).

2. An exemption to the Master Street Plan right-of-way dedication requirements in Section 10-40.d.3(a) for Major and Minor Arterials shall be allowed when the property is replatted, if all of the following requirements are met:

- (a) There is an existing plat of record for the property to be replatted; and
- (b) Any newly created lots have an existing building.

NOTE: Newly created lots from a replat that do not include buildings shall be subject to the Master Street Plan right-of-way dedication requirements in Section 10-40.d.3(a). (Ord. No. 0-2006-11, 1/11/06)

d. Voluntary Joint Applications for Amendments to Master Street Plan. Any person that desires to develop a street in a manner inconsistent with the requirements of the Master Street Plan, Maps or report described above, may seek to file a written request jointly signed by the person, the City, and all parties to be immediately affected by the requested change, with the Planning and Zoning Department. The filing fee for such voluntary joint amendment application shall be \$150.00. If all parties agree, then the proposed amendment application will then be placed on a Planning and Zoning Commission agenda. The Planning and Zoning Commission shall conduct a public hearing and shall then make a recommendation to the City Council. The City Council shall make a final determination concerning the requested change and shall decide if the Master Street Plan, report or Maps will be followed or amended. (Ord. No. 0-2006-11, 1/11/06)

e. Appeals. Any person that desires to develop a street in a manner inconsistent with the requirements in the Master Street Plan, Maps or report described above shall file a written request along with the reasons therefor and a one hundred dollar (\$100.00) filing fee with the Planning Department. The appeal or requested change will then be placed on a Planning and Zoning Commission agenda. The Planning and Zoning Commission shall conduct a public hearing and shall then make a recommendation to the City Council. The City Council shall make a final determination concerning the appeal and requested change and shall decide if the Master Street Plan, report or Maps will be followed or amended. (0-99-91; 11/17/99) (O-2003-38, 7-23-03) (0-2005-29, 4/27/05) (Ord. No. 0-2006-11, 1/11/06)

f. Amendments to Master Street Plan. The following amendments to the Master Street Plan approved by the City Council on April 27, 2005, are hereby made.

1. The portion of Cumberland Road extending from Paluxy to Broadway shall continue to be designated as a minor arterial but be limited to the existing one hundred feet (100') of Right-of-Way rather than the proposed one hundred five feet (105') approved for other arterials. (0-2005-27, 4/27/05)

2. A one hundred five foot (105') 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 twenty-two and one-half feet (22 ½') of right-of-way is not required, but the existing fifteen foot (15') landscape easement is recognized and the dedication of an additional seven and one-half feet (7 ½') of right-of-way is required to total to twenty-two and one half feet (22 ½'). (0-2005-87; 10/26/05)

3. The required right-of-way for one way streets as designated in Chapter 17, Article IV., shall be sixty-five feet (65') for Major Arterials, and sixty feet (60') for Minor Arterials and collectors. (Ord. No. 0-2006-11, 1/11/06)

4. Removing from the Master Street Plan a portion of a 105' proposed right of way (minor arterial) located approximately 350± feet south of the intersection of Maggie Circle and US Highway 69 South, extending 3150± feet west and southwest from US Highway 69 South across property owned by Maurice and Jimmie LaPerriere (0-2006-1; 1/11/06).

Secs. 10-62 through 10-79 Reserved.

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 become effective upon 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 January 13, 2006.

PASSED AND APPROVED this 11th day of January, A. D., 2006.

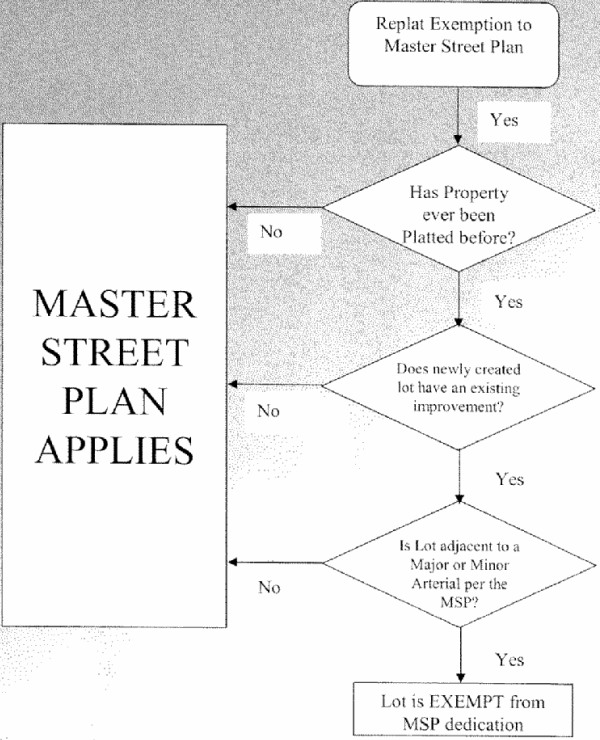
JOSEPH O. SEEBER, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY



STREET WIDTHS				
TYPE	NAME CLASSIFICATION	ROW WIDTH	STREET WIDTH (face to face)	RESIDENTIAL LOT CAPACITY (NOTE 4)
	CUL-DE-SAC	55'	28'	Cul-de-sacs
F	RESIDENTIAL	55'	28' (Note 1)	Less than 60
E	COLLECTOR LOCAL RESIDENTIAL	60'	32'	60 – 125 <u>60 or more</u>
D	COLLECTOR MINOR OR COMMERCIAL COMMERCIAL STREET	60'	40'	More than 125
C	COLLECTOR MAJOR	70'	40' (Note 2)	
B	ARTERIAL MINOR	90' <u>105'</u>	64' <u>78'</u>	
	<u>ARTERIAL MINOR W/BIKE LANE</u>	<u>115'</u>	<u>88'</u>	
A	ARTERIAL MAJOR	110' <u>130'</u>	88' <u>101'</u>	

Planning and Zoning Department



