

AN ORDINANCE

AN ORDINANCE AMENDING CHAPTER 8-BUILDINGS AND BUILDING REGULATIONS AND CHAPTER 36-SUBDIVISIONS AND PLATS OF THE CODE OF ORDINANCES OF THE CITY OF LYTLE TO IMPLEMENT TRAFFIC REQUIREMENTS AND AMEND THE REQUIREMENTS FOR THE COMPLETION OF A TRAFFIC IMPACT ANALYSIS (TIA).

WHEREAS, the City Council of the City of Lytle has determined that the amendment of its Code of Ordinances pertaining to Traffic Requirements and Traffic Impact Analyses, Chapter 8 of the Code, is necessary to promote the health, safety, morals, and general welfare of the City; and

WHEREAS, the City Council further finds that it is in the interest of the health, safety and general welfare of the public to amend Chapter 36 of the Code to determine the effect of proposed subdivision developments on the transportation system within the City.

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

Section 1. Amendment. Chapter 8-Buildings and Building Regulations and Chapter 36-Subdivisions and Plats of the Code of Ordinances of the City of Lytle are hereby amended as set forth in Exhibit A attached hereto.

Section 2. Repeal. Any provision contained in the City of Lytle's Code of Ordinances that is in conflict with the terms of this Ordinance is hereby repealed.

Section 3. Code of Ordinances. It is the intention of the City Council that this Ordinance shall become part of the Code of Ordinances of the City of Lytle and may be renumbered and codified therein accordingly.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its passage and approval. Any development with a Final Plat or Building Permit application that was submitted to or approved by the City of Lytle after September 1, 2017 and prior to September 1, 2022 is exempt from the requirements herein. A development will not be exempt from the requirements herein if:

- a) The development has received final plat approval prior to September 1, 2022, but for which a replat is necessary prior to issuance of a building permit; or
- b) A building permit was issued for the project prior to September 1, 2022, but such permit has lapsed, expired, or otherwise terminated and for which a new building permit is necessary.

Section 5. Severability. If any section, provision, subdivision, clause or part of this ordinance shall be adjudged or held unconstitutional or invalid, it shall not affect the validity of this ordinance as a whole or any other part or provision contained herein.

PASSED AND APPROVED this the 12th day of September, 2022.



Ruben Gonzalez, Mayor

ATTEST:



Paola Rios, City Secretary



Exhibit A

Chapter 8 – BUILDINGS AND BUILDING REGULATIONS

Article II. – ADMINISTRATION

Division 2. – BUILDING PERMITS

Sec. 8-49. Issuance.

Issuance of building permits shall comply with the provisions of section 8-269. The issuance of building permits must also comply with Section 36-107 for projects that include:

- (i) the construction of new building improvements on tracts larger than 2.5 acres;
- (ii) involve four or more lots;
- (iii) the creation, extension, and/or widening of one or more streets; and
- (iv) the extension of municipal facilities and utilities.

A project must also comply with Section 36-107 if the Building Official estimates that the project will generate at least 100 Peak Hour Trips as contemplated under Section 36-107.

(Code 1978, § 4.701.1)

Chapter 36 – SUBDIVISIONS AND PLATS

Article I. – IN GENERAL

Sec. 36-3. Definitions.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

Building setback line means the line within a property defining the minimum horizontal distance between a building and the adjacent street line.

Crosswalk way means a public right-of-way, ten feet or more in width between property lines, which provides pedestrian circulation.

Cul-de-sac means a street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.

Dead-end street means a street, other than a cul-de-sac, with only one outlet.

Engineer means a person duly authorized and properly registered under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

Lot means an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Officer. Any officer referred to in this chapter by title means the person employed or appointed by the city in that position, or his duly authorized representative.

Pavement width means the portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.

Person means any individual, association, firm, corporation, governmental agency, or political subdivision.

Plat means a complete and exact plan for the subdivision of a tract of land into lots for building purposes, which, if approved, may be submitted to the county clerk for recording.

Shall, may. The word "shall" is always mandatory. The word "may" is merely directory.

Street means a public right-of-way, however designated, which provides vehicular access to adjacent land.

- (1) A *secondary street* primarily provides vehicular circulation to various sections of the city. A secondary street may also be referred to as an *arterial street*.
- (2) A *collector street* primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.
- (3) A *marginal access street* is a street which is parallel to and adjacent to an arterial street, which primarily provides access to abutting properties and protection from through traffic.
- (4) A *minor street* is one used primarily for access to abutting residential property.

Subdivider means any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision means a division of any tract of land located within the limits or in the extraterritorial jurisdiction of the city in two or more parts to lay out a subdivision of the tract, including an addition to the city, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this chapter includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this chapter does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

State law reference(s)—Similar provision, V.T.C.A., Local Government Code § 211.004.

Surveyor means a licensed state land surveyor or registered professional surveyor, as authorized by state statutes to practice the profession of surveying.

State law reference(s)—Land surveyors, V.T.C.A., Occupations Code § 1071.001 et seq.

Utility easement means an interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across over and under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

- (b) Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

(Code 1978, § 15.103; Ord. No. 320, § 2, 4-14-2008)

Chapter 36 – SUBDIVISIONS AND PLATS

Article II. – PLAT PROCEDURE

Division 3. – FINAL PLAT

Sec. 36-64. Accompanying data.

- (a) When filed, the final plat shall be accompanied by the following site improvement data and a completed City of Lytle Development Plan Review Checklist. All plans and calculations shall bear the seal of a professional engineer licensed in the State of Texas.
 - (1) Streets, alleys, sidewalks, crosswalk ways.
 - a. Three copies of plans and profiles of all streets, alleys and plans for sidewalks and crosswalk ways;
 - b. Three copies of construction specifications; and
 - c. Parking requirements.
 - (2) Gravity wastewater lines.
 - a. Three copies of plans and profiles of proposed wastewater lines indicating type, sizes, depths, and grades of lines. The plans and profiles shall be drawn to a standard scale of not more than 100 feet to an inch with one-foot or two-foot contours, scaled lot dimensions, and shall show existing and proposed wastewater lines.
 - b. When a separate wastewater collection system, lift station, or treatment plant is proposed, three copies of proposed plans.
 - c. Three copies of construction specifications.
 - (3) Water lines.
 - a. Three copies of plans of all proposed water lines and fire hydrants, showing type and sizes of the lines. The plan shall be prepared at a standard scale of not more than 50 feet to an inch, with one-foot or two-foot contours, and shall contain scaled lot dimensions.
 - b. When a separate water system is planned, three copies of the plans, including water lines and hydrants.
 - c. Three copies of construction specifications.
 - (4) Storm drainage.
 - a. Three copies of the storm drainage plan prepared to a standard scale of not more than 100 feet to an inch and with one-foot or two-foot contours. All street widths and grades shall be indicated. Runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm drains, and at request of city engineer, at all points in the street at changes of grade or where the water enters another street or storm drain or drainage ditch. Drainage easements shall be indicated. Storm drainage design shall adhere to requirements of section 36-238.
 - b. A general location map of the subdivision showing the entire watershed (U.S.G.S. Quadrangle is satisfactory.)
 - c. Calculations showing the anticipated stormwater flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm drain is proposed, calculations shall be submitted, showing basis for design.
 - d. When a drainage channel or storm drain is proposed, three copies of complete plans, profiles, and specifications shall be submitted, showing complete construction details.
 - (5) Traffic impact analysis (TIA).

a. A traffic impact analysis is required consistent with Section 36-107.

a. —

(b) When filed, the final plat shall also be accompanied by:

- (1) Tax certificates from the city, school district and county, which indicate that all ad valorem taxes have been paid up to and including the current year on all land included within the final plat.
- (2) Signatures of certification by the proper authorized official of each public utility company or board involved to be inscribed on the respective utility layouts required herein certifying approval of the same by said utility company or board.
- (3) A receipt from the county clerk of Atascosa, Medina, or Bexar County, Texas, for recording the final plat at the courthouse.
- (4) A definite legal description and identification of the tract being subdivided. This description shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram to scale and shall show by reference that the subdivision is a particular portion or part of a previous filed plat via a tie to an original corner of the original survey of which said land is a part.
- (5) If applicable, approval permit/letter from TxDOT, TCEQ, FEMA, U.S. Army Corps, U.S. Fish and Wildlife, Texas Historical Commission, Texas Accessibility Standards, Texas Department of State Health or other governmental agency with jurisdiction in said property.

(Code 1978, § 15.203(b); Ord. No. 438, § 1(Exh. A), 10-13-2020)

Chapter 36 – SUBDIVISIONS AND PLATS

Article III. – SUBDIVISION STANDARDS

Sec. 36-95. Streets.

- (a) *Street layout.* Adequate streets shall be provided by the subdivider, and the arrangement, character, extent, width, grade and location of each shall conform to the comprehensive plan of the city and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in the appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.
- (b) *Relation to adjoining street system.* Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith.
- (c) *Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.
- (d) *Street jogs.* Whenever possible, street jogs with centerline offsets of less than 150 feet will be avoided.
- (e) *Half-streets or adjacent streets.* In the case of collector, minor, or marginal access streets, no new half-streets shall be platted.
- (f) *Street intersections.* Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.
- (g) *Dead-end streets.* Dead-end streets shall be prohibited except as short stubs to permit future expansion.
- (h) *Cul-de-sacs.* In general, cul-de-sacs shall not exceed 500 feet in length, and shall have a turnaround of not less than 100 feet in diameter in residential areas, and not less than 200 feet in diameter in commercial and industrial areas.
- (i) *Marginal access streets.* Where a subdivision has frontage on a secondary street, there shall be provided a marginal access street on both sides or on the subdivision side of the secondary street, if the secondary street borders the subdivision, unless the adjacent lots back up to the secondary street, in which case a five-foot non-access easement shall be provided, or unless the city council determines that such marginal access streets are not desirable under the facts of a particular case for adequate protection of the lots and separation of through and local traffic.
- (j) *Streets on comprehensive plan.* Where a subdivision embraces a street as shown on the comprehensive plan of the city, such street shall be platted in the location and of the width substantially indicated by the comprehensive plan.
- (k) *Minor streets.* Minor streets shall be laid out so as to discourage their use by through traffic.
- (l) *Pavement widths and rights-of-way.* Pavement widths and rights-of-way shall be as follows:
 - (1) Secondary streets shall have a right-of-way of at least 86 feet with a pavement width of at least 60 feet.
 - (2) Collector streets shall have a right-of-way of at least 60 feet and a pavement width of at least 42 feet.
 - (3) Minor streets shall have a right-of-way of at least 50 feet and a pavement width of at least 30 feet.
 - (4) Nonresidential marginal access streets shall have a right-of-way width of at least 50 feet and a pavement width of at least 30 feet.
 - (5) Residential marginal access streets shall have a right-of-way width of at least 40 feet and a pavement width of at least 26 feet.
- (m) *Pavement width and right-of-way of streets forming part of the boundary of the subdivision (adjacent).* A development shall conform to border street requirements in Section 36-107 for all streets bordering the development.

- (n) *Street names.* Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- (o) *Street signs.* Reflecting street signs shall be installed by the subdivider at all intersections within or abutting the subdivision. Street signs shall be placed in a uniform manner throughout the subdivision. The subdivider shall consult with a designated city official as to the plan of placement thereof prior to the installation of such street signs.

(Code 1978, § 15.301(b))

Chapter 36 – SUBDIVISIONS AND PLATS

Article III. – SUBDIVISION STANDARDS

Sec. 36-107. Traffic Requirements.

(a) *Traffic Impact Analysis (TIA)*. No Master Development Plan, Plat, Rezoning, Planned Unit Development, or Building Permit application within the City or ETJ shall be approved unless a traffic impact analysis (TIA) is completed and approved or waived by the City of Lytle. A traffic impact analysis shall be prepared consistent with the following criteria:

- (1) *TIA Requirement*. TIA requirement is based on peak hour trips (PHT) anticipated to be generated by a development, which shall be projected using the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*. A TIA is required if any of the following conditions are met:
 - a. A new development is anticipated to generate 100 or more peak hour trips (PHT) during the AM or PM peak hour of the adjacent street traffic, whichever is higher.
 - b. An existing development undergoing a change in land use or density is anticipated to result in an increase of 100 or more peak hour trips (PHT) during the AM or PM peak hour of the adjacent street traffic, whichever is higher.
- (2) *TIA Level*. The level of TIA required shall be based on peak hour trips (PHT) generated by the development as shown in Table 36-107-1. TIA Levels are for assessing review fees only.

Table 36-107-1

TIA Level	Peak Hour Trips (PHT)
No TIA Required	0 - 99
Level 1	100 - 299
Level 2	300 – 1,000
Level 3	1,000 +

- (3) *TIA Study Area*. The study area is defined as the limits for which the traffic analysis is to be performed and shall be limited to two (2) miles from the boundary of the development as measured along the existing or proposed roadway network. Intersections to be evaluated in the TIA include those that are within the study area and meet the following criteria:
 - a. Any development access point or driveway that intersects with the existing roadway network
 - b. Any existing or proposed intersection that is expected to have 75 or more trips on any single approach during the AM or PM peak hour or is expected to have 140 or more trips cumulative on all approaches during the AM or PM peak hour.
- (4) *TIA Scope*. If a TIA is required, the applicant shall submit to the City the proposed scope of the TIA prior to beginning work on the TIA. The applicant shall be prepared to meet with the City to discuss the proposed scope of the TIA at the City's request. At a minimum, the following information shall be provided within the proposed scope of the TIA:
 - a. Location of development
 - b. Site plan with existing and proposed access or driveway locations
 - c. Proposed land use and density of the development
 - d. Projected build out years and phases for development, if applicable
 - e. Trip generation table
 - f. Trip distribution and trip assignment
 - g. Proposed study intersections

- (5) *Background Growth Rate.* A background growth rate should be utilized in the traffic analysis to project future traffic conditions without the addition of development traffic. The City will provide the growth rate to be utilized in the study to the applicant following the submission of the proposed TIA scope.
- (6) *TIA Submittal.* A TIA report shall be prepared and sealed by a licensed professional engineer in the State of Texas for submittal to the City. The applicant shall submit one (1) electronic PDF copy of the TIA report to the City and the City will distribute the report to the appropriate review authorities including TxDOT, if applicable. At a minimum, the TIA shall contain the following information:
- a. Location of development
 - b. Site plan with existing and proposed access or driveway locations
 - c. Proposed land use and density of the development
 - d. Projected build out year(s) and phases for development, if applicable
 - e. Detailed description of roadways bordering the development including, but not limited to, roadway name, roadway classification, existing pavement width, existing right-of-way width, number of lanes, and posted speed limit.
 - f. Trip generation table
 - g. Trip distribution and trip assignment
 - h. Study intersections
 - i. Existing traffic data at all study intersections (if applicable)
 - j. Background traffic projections at all study intersections
 - k. Build out traffic projections for each phase of development at all study intersections
 - l. Intersection level of service (LOS) analysis at all study intersections for existing conditions, background conditions, and build out conditions for each phase of development
 - m. Turn-lane evaluation at development access or driveway locations
 - n. Access spacing for existing and proposed access or driveway locations
 - o. Proposed mitigation and timing for mitigation if development is phased
 - p. Border street requirement evaluation
 - q. Any additional analysis or evaluation requested by TxDOT (if applicable)
- (7) *TIA Review.*
- a. A review fee may be assessed by the City based on the level of TIA. If the City assesses a review fee, payment must be made by the applicant prior to TIA review.
 - b. The TIA shall be reviewed by the City and any other necessary review authorities and review comments will be provided to the applicant for response.
 - c. The applicant shall modify the TIA report to address all comments and provide the final TIA report to the City along with a response to comments in the form of a letter or technical memorandum.
- (8) *Mitigation.*
- a. Study intersections that are expected to operate at a level of service (LOS) D, E, or F under build out conditions shall be identified and mitigation measures shall be recommended to return the intersection to a LOS C or better. Should a study intersection operate at a LOS D or worse under background conditions, prior to the development build out, mitigation measures shall be

recommended to return the intersection delay under build out conditions to within 20% of the delay experienced under background conditions.

- b. LOS and delay shall be reported and mitigated for the overall intersection for signalized intersections and by approach for unsignalized intersections.
 - c. LOS should be calculated based on methodologies in the latest version of the *Highway Capacity Manual*.
 - d. Mitigation measures may include, but are not limited to, turn-lanes, pavement widening, medians, sidewalks, traffic signalization, traffic signage, pavement markings, and intersection improvements.
 - e. Mitigation measures recommended and approved as part of the TIA shall be completed concurrent with the development or phase of development for which the mitigation is required.
 - f. Voluntary efforts to mitigate the traffic impacts of the development in addition to those required are encouraged to improve the safety and mobility of traffic traveling to and from the development.
 - g. If a TIA is not required, turn-lane requirements and border street requirements as defined herein are still required as a condition of development.
- (9) *TIA Validity.* A TIA approved by the City of Lytle will remain valid for five (5) years from the projected build out year of the last phase of development should a development be implemented in general conformance with the TIA. General conformance is considered as no changes to land use or density that result in an increase of 100 or more peak hour trips and no changes to the proposed location or number of access points. The City reserves the right to request updates to an approved TIA should there be any changes to the development or site plan.
- (b) *Border Street Requirements.* Any Master Development Plan, Plat, Rezoning, Planned Unit Development, or Building Permit application is subject to border street requirements regardless of whether a TIA is required. The applicant shall dedicate right-of-way and construct or improve any existing or planned street that borders the development to half the width of the ultimate cross section as measured from the centerline. If an existing or planned street bisects the parcel for development, the development shall improve or construct the entire width of the ultimate cross section. Right-of-way and pavement width requirements shall be determined based on roadway classifications in the City's comprehensive plan and the design criteria in Section 36-95.
- (c) *Turn-Lane Requirements.* A turn-lane evaluation shall be performed at all existing or proposed access points associated with a Master Development Plan, Plat, Rezoning, Planned Unit Development, or Building Permit application to determine the anticipated number of peak hour turning trips regardless of whether a TIA is required. If the anticipated turning peak hour trips entering the access point is 50 or more vehicles per hour (vph), a turn-lane is required. Turn-lanes shall be designed and constructed consistent with the criteria set forth in the latest version of the TxDOT Roadway Design Manual.
- (d) *Access Spacing Requirements.* Any new access point proposed as part of a Master Development Plan, Plat, Rezoning, Planned Unit Development, or Building Permit application shall meet TxDOT's minimum connection spacing criteria set forth in the latest version of the TxDOT Access Management Manual. Access spacing applies to spacing between proposed streets as well as spacing between proposed and existing streets.
- (e) *Rough Proportionality.* If the City requires as a condition of approval that the developer bear a portion of the costs of infrastructure improvements, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the development. A

developer who disputes the rough proportionality determination may appeal to the City. A developer may further appeal the determination of the City to a county or district court in which the development is located within 30 days of the final determination of the City.

- (f) *Variances.* An applicant may request a variance to these traffic requirements. A variance request shall include a description of code item for which a variance is being requested, the rationale for the variance, and any additional supporting data. All variance requests may be subject to a review fee and approval by City Council.
- (g) *Definitions.*
 - (1) Background or No Build Conditions – Projected future roadway, traffic, and intersection conditions without the addition of the development or development traffic.
 - (2) Border Street – A planned or existing public street that is adjacent to and/or abutting one or more sides of a proposed development.
 - (3) Build Out Condition – Projected future roadway, traffic, and intersection conditions with the addition of the development and development traffic.
 - (4) Density – A measure of a development size based on variables established for the respective land use in the latest version of the *ITE Trip Generation Manual* (i.e., dwelling units, square feet, fueling positions). The units for density will vary based on land use.
 - (5) Existing Conditions – Existing roadway, traffic, and intersection conditions as-is at the time of data collection.
 - (6) Institute of Transportation Engineers (ITE) – An international educational and scientific association of transportation professionals that conducts research on trip generation characteristics of various developments and establishes industry best practices for the preparation of traffic studies.
 - (7) Land Use – The anticipated use of the development based on available uses in the latest version of the *ITE Trip Generation Manual*.
 - (8) Level of Service (LOS) – A qualitative measure of roadway or intersection performance that indicates the degree of delay experienced. LOS shall be calculated utilizing methodologies established in the latest version of the *Highway Capacity Manual*.
 - (9) Peak Hour – A one (1) hour period representing the highest hourly volume of traffic on the adjacent street system during the morning (AM peak hour) or evening (PM peak hour).
 - (10) Peak Hour Trips (PHT) – The number of trips anticipated to be generated by a development based on land use and density during either the AM or PM peak hour of adjacent street traffic, whichever is higher.
 - (11) Study Area – The limits within which the development may be responsible for studying roadways or intersections.
 - (12) Traffic Impact Analysis (TIA) – A study performed to project and evaluate the anticipated traffic impact of a development on the surrounding area.