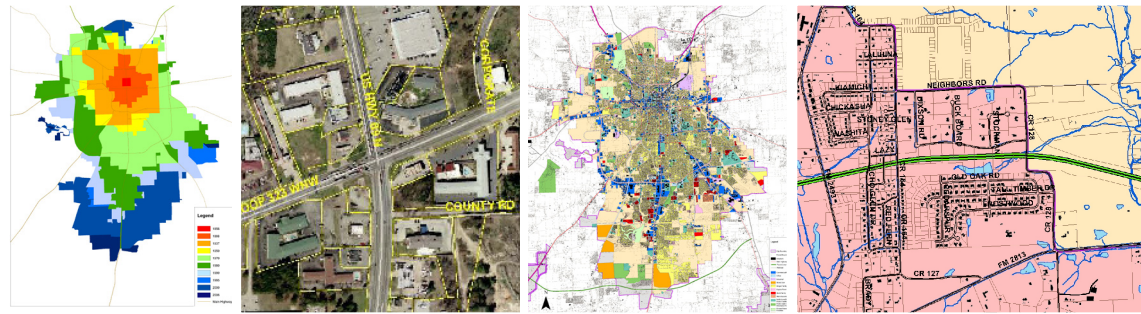


# TYLER

# 1<sup>st</sup>

*Building our future, together*



## 12. Future Land Use and Annexation Guide



## Chapter 12 :: FUTURE LAND USE AND ANNEXATION GUIDE

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The intent of this document is to detail amendments from the 2014 update while continuing to memorialize the original text. Items updated through the 5-year update process will be accompanied with a Tyler 1<sup>st</sup> logo within the original Tyler 1st document. The text from the original document begins after the Tyler 1st logo appears in the text.



*Building our future, together*

### PRINCIPLES TO GUIDE CITY FUTURE LAND USE

#### PRESERVE

- Preserve existing single-family neighborhoods.
- Preserve major drainage corridors for park location and trail development in linear greenways with neighborhood access.
- Preserve land for industrial and distribution uses in clusters near transportation facilities and in business parks.
- Preserve land for future transportation rights-of-way.

#### PROMOTE

- Promote development patterns and connected developments for walkable environments and alternative transportation.
- Promote mixed-use development clusters at important intersections to include residential, commercial, employment, park and civic areas in close proximity.
- Promote high-density mixed-use centers in key locations and opportunity areas that could serve as future transit hubs.
- Promote infill development on vacant lots, especially in the North End and West Tyler, in order to take advantage of existing infrastructure and services and attract new commercial investment to serve a larger population.
- Promote diverse housing types in new development.

#### LOCATE

- Encourage utility extensions to new areas to promote and encourage development adjacent to existing developed or platted areas and discourage "leapfrog" development.
- Encourage land uses that provide appropriate transitions from higher-impact uses through medium-impact uses to lower-impact uses.
- Avoid small developments of isolated land uses that are not compatible.
- Encourage the location of single-family and duplex uses on local and collector streets and multifamily uses on collector and arterial streets with connections to local streets.

#### IMPLEMENT

- Make zoning generally compatible with the Comprehensive Plan.
- Reference the Future Land Use principles to guide future rezoning decisions and respect the geographical arrangement of land uses when considering rezoning requests.
- Plan and size infrastructure for future adopted land uses.
- Implement the future land use guide through capital investment planning.

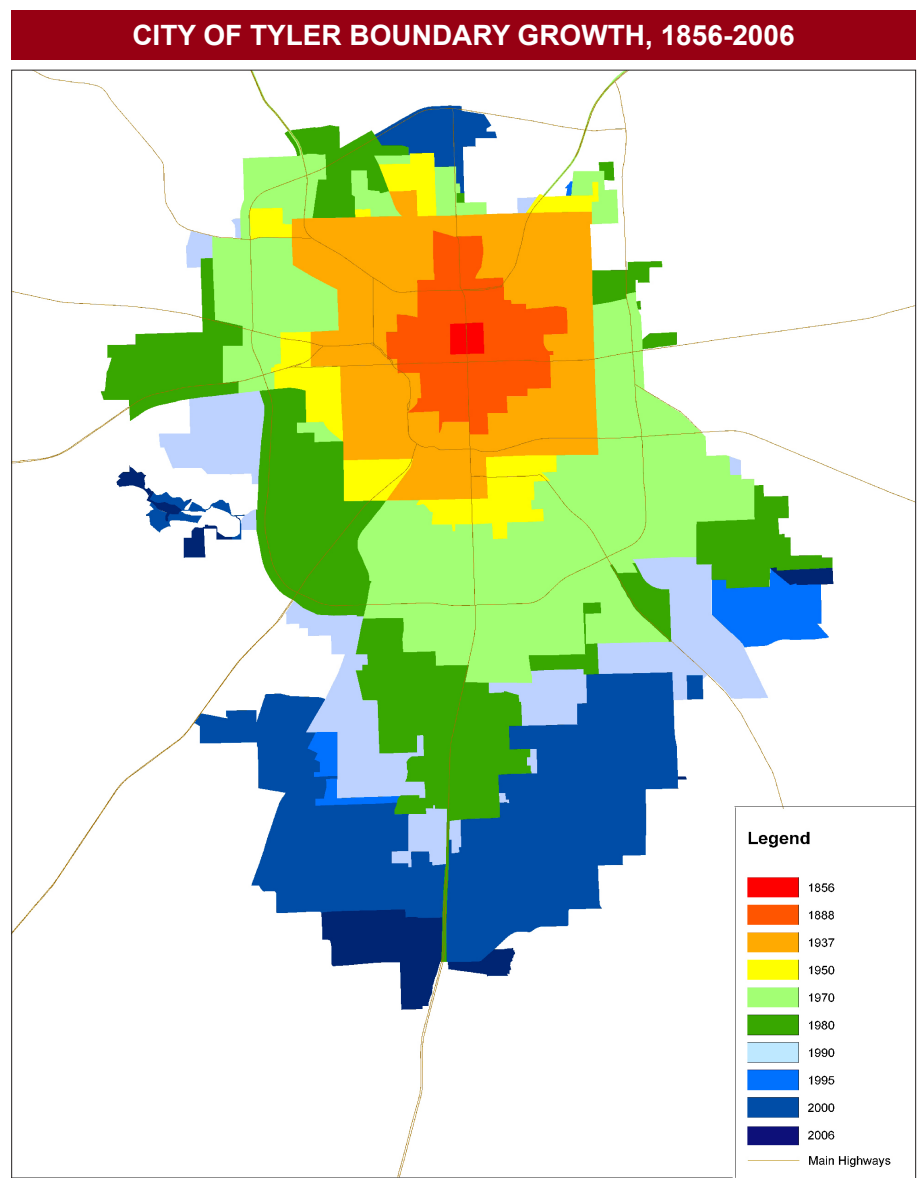
A light blue, semi-transparent background image of a park. It shows a paved walkway, several trees, and a gazebo in the distance.

## STATEMENT OF INTENT FOR FUTURE LAND USE PLANNING

We affirm property rights  
while requesting developers  
to look at desired elements  
for comprehensive future  
development.

Every comprehensive plan includes a map to guide future land use. The purpose of this map is to guide decision makers in directing the pattern, distribution and intensity of land uses to approximate the preferences expressed in the Comprehensive Plan and to provide sufficient land to meet demand for various land uses in the future. The Future Land Use Guide is not meant to impinge upon the property rights of private owners. The Guide represents a broad framework that will allow the City to achieve the vision and goals of the Comprehensive Plan. The Tyler Future Land Use Guide is one of the tools that the City will use to implement the Tyler 1st Comprehensive Plan. It has two parts: 1) a guide for future land use within the city limits, where city government currently has the legal authority to regulate land uses through zoning and subdivision regulations, and 2) a more general and conceptual guide to future land use in the city's Extraterritorial Jurisdiction (ETJ), where the City does not have the authority to impose zoning and its ability to shape development is limited to subdivision regulations.

Tyler has grown in the past through annexation. Like many Texas cities, Tyler's recent practice has been to annex only on petition from property owners with the exception of one significant annexation in the south. The Comprehensive Plan provides an opportunity to discuss opportunities and priorities for future annexation in the context of the Tyler 1st process and the future land use framework for the city and the ETJ.



Source: City of Tyler GIS data

## A. Future Land Use Guide

The City Future Land Use Guide is a guidance document – not a set of regulations – and does not replace the City’s zoning and development regulations. It does not address design issues and has no direct impact on the function and appearance of land uses. However, as part of the Tyler 1st process, the Future Land Use Guide will be used by the Joint Committee on Code Review as it updates the City’s development code to be consistent with Tyler 1st goals and to be more user-friendly. Thereafter, the City’s Planning Department, the Planning and Zoning Commission, and the City Council will refer to the City Future Land Use Guide as they face future decisions on land use and zoning. The City Future Land Use Guide will also be subject to periodic review to see if conditions have changed.

The ETJ Future Land Use Guide is intended to provide developers, property owners, the Planning and Zoning Commission, and the City Council with an understanding of preferred locations, in a general sense, for certain types of development. As noted earlier, the City’s authority to regulate development in the ETJ is limited to subdivision regulations and right of way considerations relating to the adopted Master Street Plan. Technically, there are three different ETJ zones:

- *Zone 2 – Suburban* is subject to City subdivision regulations except for Planning and Zoning Commission discretion to waive curb and gutter and certain regulations for lots over ½ acre.
- *Zone 3 – Rural* is the part of the ETJ that was created as a result of the City’s annexation of the road rights of way for U.S. 69 North and U.S. 271 North. County rather than City development standards apply in this area.
- *Zone 4 – City-owned land at Lake Tyler* that is within the ETJ is subject to special rules, as described in an earlier chapter.

The City therefore has not extended subdivision authority over the Zone 3 ETJ. The County has no authority to zone or otherwise regulate land use. Although the County could create parks and other amenities, in practice the County has to focus nearly all of its very limited resources on major responsibilities for law enforcement, administration of justice, and road maintenance. The purpose of the ETJ Future Land Use Guide is to promote development types and development models that take advantage of transportation and infrastructure investments and build on existing development. In addition, the ETJ Future Land Use Guide indicates appropriate locations for public amenities that improve quality of life, such as parks to serve increasing numbers of residents and regional trails or greenways, including those that take advantage of natural conditions, such as major stream floodplains, to link parks throughout the region. It is a conceptual map and a voluntary guide for developers and property owners. As parts of the ETJ are annexed over time, the ETJ Future Land Use Guide can assist City decision makers in more detailed planning for the annexed areas.

Land use patterns and decisions are influenced by population and economic growth (which create market demand), transportation access and opportunities, the availability of infrastructure, environmental constraints, and quality of life potential reflected in school quality, parks and recreational opportunities, and cultural amenities. Although the Future Land Use Guide and the City's zoning and development regulations create a framework for land use, most development decisions are made by the private sector. Government can influence these decisions by public investments, incentives and disincentives. A Future Land Use Guide or a zoning code cannot, in itself, cause development of a specific type to happen.

- **Population and Economic Growth.** Since Tyler's last comprehensive plan in 1999, the city has annexed new land and grown in population. Through annexations, the city's land area grew 27% over the course of the 1990s and another 3% between 2000 and 2006. As discussed in Chapter 3, the city's population grew especially rapidly (4% annually) between 2000 and 2005. Most of this growth above historical averages for Tyler was accounted for by Hispanics migrating to Tyler and settling inside Loop 323. Tyler now appears to be returning to historical growth rates of about 1.1% annually for the area within the city limits and 2% per year for areas outside the city limits. Providing sufficient land to accommodate new population and businesses over the next 10 to 20 years will not be an issue for Tyler, given the expectation of additional annexations as well as the significant amounts of vacant land and redevelopment opportunities still available within the current city limits.
- **Transportation Access.** Before initiating the Tyler 1st Comprehensive Plan process, the city completed a new Master Street Plan. Additional streets are proposed to improve connections in the southern part of the city, particularly east-west connections, which are especially needed. The Master Street Plan also proposes many new roads and street connections within the city's ETJ. The location of proposed streets and the new intersections to be created by the new streets have been taken into consideration in the development of the Future Land Use Guide. Access to public transportation may become increasingly important in the long term in Tyler. Highway, rail and airport access is essential to support economic development and the land use decisions that follow from it.
- **Infrastructure.** City-owned water and sewer infrastructure is limited to locations within the city limits with a few extensions into the ETJ: to the John Soules factory in the north; west to the airport and a new subdivision that paid for extension of City services; and southeast to Whitehouse. As subdivisions have been built in the ETJ, a number of small water and sewer utilities have been created. When land is annexed, the City prefers to buy those utilities and incorporate service into the city system, which often requires upgrades. However, not all private utilities want to sell. City choices about where and how to extend infrastructure in the ETJ can have significant development impacts.
- **Environmental Constraints.** Environmental constraints on development include floodplains, wetlands, steep slopes, suitable soil and water resources for on-site septic and wells where infrastructure is not available, and similar conditions.

- **Quality of Life Conditions.** School quality is an important determinant for the location of family-oriented residential development. However, it is less important for residences that are more likely to attract singles, childless couples, empty-nesters, and retirees. Other amenities, such as parks, natural open spaces, and cultural and recreational opportunities also attract development and increase values. Although quality of life conditions are often considered only in terms of residential growth, businesses that provide good jobs for educated workers want to locate in places with many amenities, because that is where their workers want to be.



## B. Future Land Use Principles and Guide for the City

The Future Land Use Guide was created to reflect the vision, principles, goals, policies, and recommendations in the Tyler 1st Plan elements. It shows a distribution and geographical pattern of land uses that balances the likely persistence of existing land uses with a land use pattern that expresses the goals of the Comprehensive Plan. The Comprehensive Plan emerged from the public process that created the vision and principles, the Working Group meetings that developed the plan chapters, and the review of these chapters on the plan elements by the Tyler 1st Steering Committee. Development of the City Future Land Use Guide was based on the approach to land use that emerged through the Tyler 1st planning process.

All of the future land use principles below depend upon collaboration between Tyler’s public and private sectors.

### PRINCIPLES TO GUIDE CITY FUTURE LAND USE

#### PRESERVE

- Preserve existing single-family neighborhoods.
- Preserve major drainage corridors for park location and trail development in linear greenways with neighborhood access.
- Preserve land for industrial and distribution uses in clusters near transportation facilities and in business parks.
- Preserve land for future transportation rights-of-way.

#### PROMOTE

- Promote development patterns and connected developments for walkable environments and alternative transportation.
- Promote mixed-use development clusters at important intersections to include residential, commercial, employment, park and civic areas in close proximity; embrace “village” forms of development.
- Promote high-density mixed-use centers in key locations and opportunity areas that could serve as future transit hubs.
- Promote infill development on vacant lots, especially in the North End and West Tyler, in order to take advantage of existing infrastructure and services and attract new commercial investment to serve a larger population.
- Promote diverse housing types in new development.
- Promote the use of Commercial Corridor Overlays within the City.

#### LOCATE

- Encourage utility extensions to new areas to promote and encourage development adjacent to existing developed or platted areas and discourage “leapfrog” development.
- Encourage land uses that provide appropriate transitions from higher-impact uses through medium-impact uses to lower-impact uses.
- Avoid small developments of isolated land uses that are not compatible.
- Encourage the location of single-family and duplex uses on local and collector streets and multifamily uses on collector and arterial streets with connections to local streets.



**IMPLEMENT**

- Make zoning generally compatible with the Comprehensive Plan.
- Reference the Future Land Use principles to guide future rezoning decisions and respect the geographical arrangement of land uses when considering rezoning requests.
- Plan and size infrastructure for future adopted land uses.
- Implement the future land use guide through capital investment planning.

The *Preserve* principles focus on respecting the city’s residential character and its predominantly single-family neighborhoods, protecting environmentally-sensitive lands in an open space network to be created through floodplain preservation and voluntary efforts, and making sure that there is sufficient land in appropriate locations for industrial and transportation purposes. The *Promote* principles focus on the Tyler 1st goals to direct development and investment to certain locations and in certain ways. The *Locate* principles focus on promoting appropriate adjacencies and transitions among land uses of varying types and impacts. The *Implement* principles focus on the relationship of the Future Land Use Guide to the Comprehensive Plan as a whole, the zoning and development code, and public capital investments.

Any land use map for the future is, of course, based on existing land uses. Some land uses are less susceptible to change once they have been established. For example, single-family neighborhoods tend to stay in place over long periods, with limited change or encroachment from other uses. Similarly, heavy industry, once located, does not tend to move because it is difficult to find new locations. In contrast, retail and light industrial land uses are more likely to change and to change in more rapid cycles.

The City Future Land Use Guide balances respect for existing land uses with designations for consolidated land uses and new future land use designations. The consolidated land uses as they appear on the guide take two forms: a) consolidation under one category of land uses with similar impacts, for example, a “General Commercial” designation for areas where there is an existing mixture of retail, service and office uses or where that mixture would be appropriate; or b) a consolidation under a predominant use, for example, where an area is predominantly residential with only a few scattered retail or office uses. The existing development pattern within the Tyler city limits shows many areas, generally outside Loop 323, where different land uses or intensities of the same land use are located in ways that do not function effectively. For example, there are locations where one or two dead end streets of single-family houses empty onto a collector street or major arterial and are otherwise surrounded by a jumble of light industry or low-density retail uses. In these cases, the City Future Land Use Guide designates the area for the land use which would most appropriately predominate in the area. In most cases where there are new future land use designations, they tend to *expand* the number of uses in an area, rather than constrain them.

## Geographical Patterns of Land Use: the Logic Behind Location

One of the most important purposes of a Future Land Use Guide is to promote a geographical pattern of land uses that will enhance quality of life and economic prosperity for the community as a whole. The well-known real estate mantra “location, location, location” is as important for the overall pattern of land use and development within a community as it is for the individual property owner. A “good” location is only partly an attribute of a particular piece of property (soils, topography and vegetation can be positive or negative depending on the proposed use); it results from the intersection of interrelated conditions which include nearby existing and future land uses, transportation investments, infrastructure availability, and the likelihood for these conditions to persist or change. Many of the conditions that create a “good” location are dependent on public action and public investment. This is how zoning originated in the United States, as a way to protect single-family homes from the adverse impacts of existing or future industrial or other nonresidential uses, and its legal justification rests on government authority to protect public health, safety and welfare.

How land uses are located geographically and their relationship to one another helps create more higher value, “good” locations with greater overall choice and amenities in the city as a whole, improving quality of life and economic prosperity. Land uses arranged so that they have beneficial impacts on one another help produce communities where the whole results in more than the sum of the parts. A system of well-organized land uses creates the possibility of more choice in transportation, supports consumer-oriented businesses, provides neighborhoods attractive to the work force, and also mitigates adverse impacts, improving the compatibility of diverse land uses.

Like many communities, Tyler has recently been following a development model that emphasizes the segregation and disconnection of land uses. At the same time, as new development takes place, rezonings have not always been evaluated in the context of an overall vision for patterns of development that provide for connectivity and subtle transitions from lower- to higher-impact land uses.

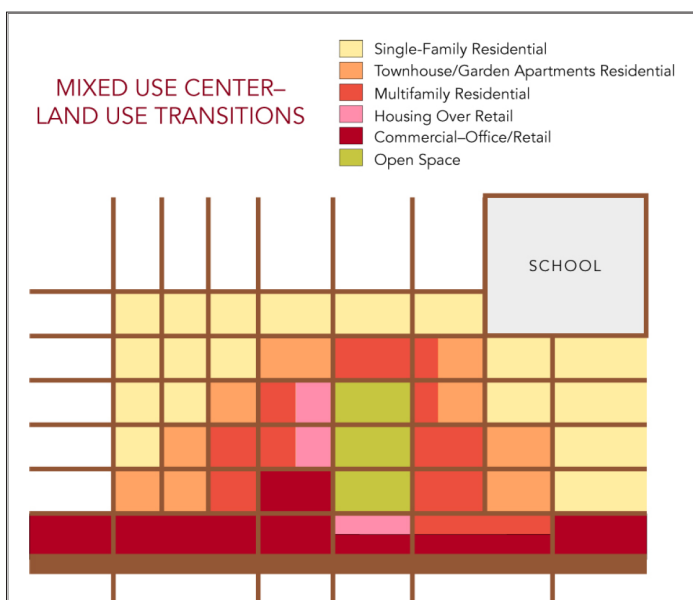
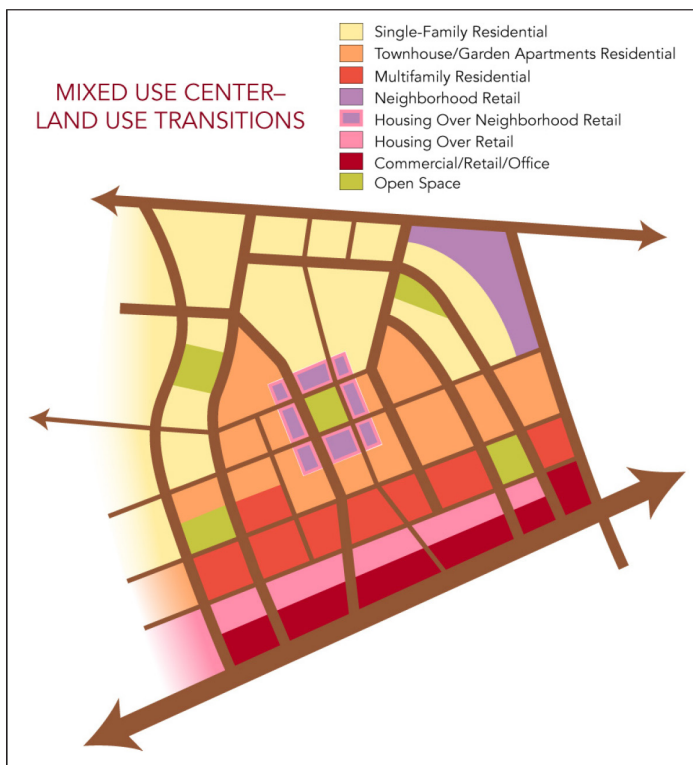
During the course of the Tyler 1st planning process, residents and members of the Working Groups supported the idea of a more pedestrian-friendly development model in mixed-use centers. Some Tyler developers have already begun to think in those terms, but the City’s development framework does not promote this kind of development. The major innovation of this City Future Land Use Guide compared to the future land use map accompanying the 1999 Comprehensive Plan is the designation of certain areas as mixed-use centers. With appropriate design standards, these areas can afford the opportunity to provide for a better public realm, more walkable environments, and better land use transitions by creating a more fine-grained mixture of land uses, including allowing vertical mixed use (a mixture of uses in one structure) as well as horizontal mixed use.

This does not mean that every property within a mixed-use center must contain more than one land use. What it does mean is that mixed-use properties and buildings will be permitted; that single-use sites will be designed to be compatible with other desired uses in the mixed-use center; and that the public and semi-public realm (streets, sidewalks, parking lots, building setbacks, building facades, landscaping) will be designed to work together and create

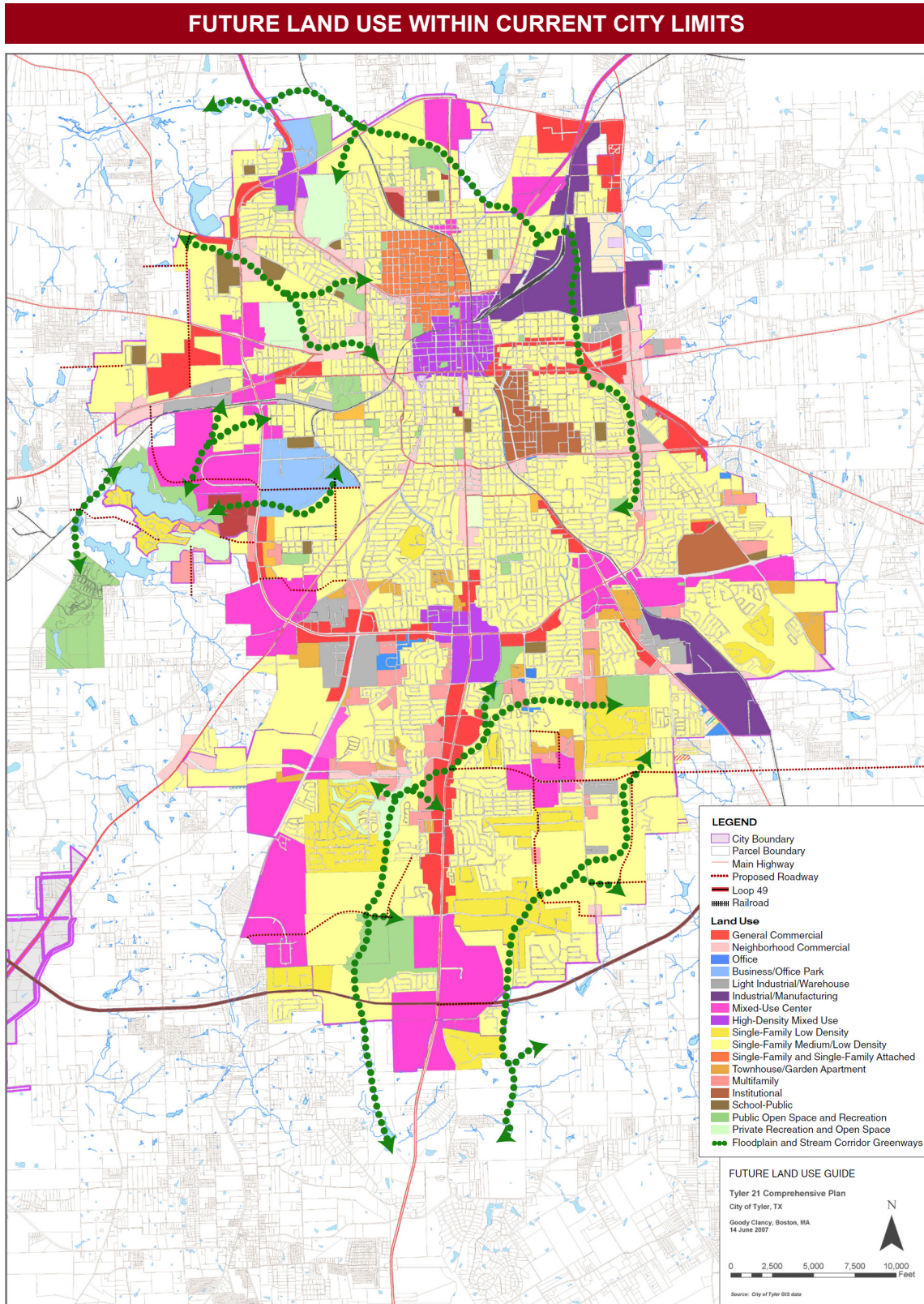
human-scaled, walkable environments while still accommodating cars, loading and similar necessities.

Mixed-use centers are designed to create compact neighborhood clusters where land uses are arranged to provide appropriate transitions, as in the diagram examples to the right which show just two of many possible arrangements of compatible land use transitions.

Vertical mixed use – that is, different uses within a single structure – is rare in Tyler. It can be seen in the older parts of the city, such as the apartments above retail stores downtown, but new vertical mixed use has not been permitted by the City’s regulations for a long time. The development model based on separation of land uses has resulted in business models that specialize in building and financing residential, retail and other non-residential uses separately. Mixed-use development is more complex but it also can result in greater rewards. As new models of vertical mixed-use development have emerged around the country and met with very strong market success, so have the business and financing models for this type of development. Vertical mixed-use projects typically have ground floor uses open to the public – retail, services and entertainment – and either residential uses or office uses above.



Tyler’s strong retail economy can provide the foundation for new mixed-use environments, following the lead of many communities in Texas and elsewhere in the country. These successful developments include housing above stores, restaurants and other entertainment, apartments and townhouses, and an attractive public realm with well-designed streetscapes and parks – all while accommodating cars and parking, but without acres of asphalt as the primary visual experience.



## **FUTURE CITY LAND USE CATEGORIES**

### **High-Density Mixed-Use Center**

- These are key locations in the city that should be developed into high-intensity, high-activity locations with retail, employment, residential, civic and small open space uses in close proximity. They could become future transit hubs and will serve regional markets.

### **Mixed-Use Center**

- Locations at important major intersections or where mixed-use projects are known to be in process.

### **General Commercial**

- A catch-all category intended to include retail (including big-box stores), office, entertainment, and service uses at medium densities.
- General Commercial serves regional as well as local patrons.

### **Neighborhood Commercial**

- Smaller retail and service uses intended to serve surrounding residential and business activities.
- Neighborhood Commercial serves local residents/employees rather than regional patrons.

### **Office**

- Existing substantial office uses that are located primarily adjacent to or within residential districts.

### **Business Park**

- TEDC Business Park and Pointe North Interstate Business Center.

### **Light Industrial/Warehouse**

- Existing uses in this category are consolidated in several locations.

### **Industrial/Manufacturing**

- The refinery and other existing manufacturing facilities.

### **Single-Family – Low/Medium/High Density**

- Existing and appropriate future detached single-family areas.

### **Single-Family and Single-Family Attached – Medium/High Density**

- Existing area where a mix of single-family and single-family attached dwellings should be encouraged.

### **Townhouse/Garden Apartment**

- Medium-density attached housing.

### **Multifamily**

- Multifamily rental or condominium housing.

**Institutional**

- Hospital, college and university and private school areas, including some land not currently owned by the institutions but allowing for potential expansion.

**Public School**

- Existing public schools, except for Robert E. Lee, which is under a mixed-use designation as civic use within a mixed-use center. If the school moves to another location, this site would provide a key opportunity for a mixed-use project.

**Public Open Space and Recreation**

- Publicly-owned open space.

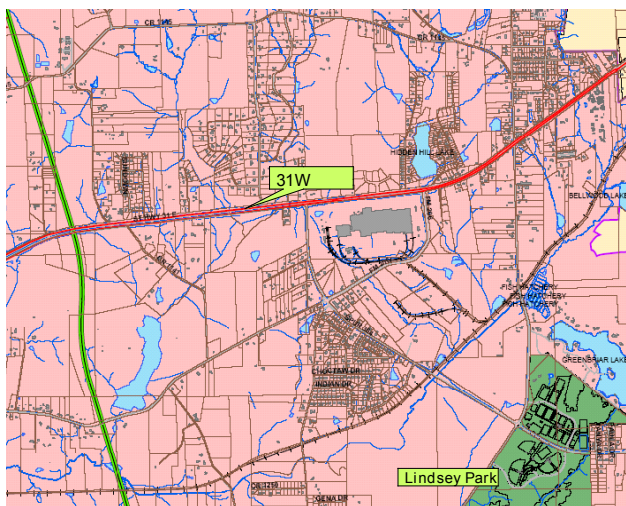
**Private Open Space and Recreation**

- Privately-owned open space such as golf courses.

**Greenway Corridors**

- A designation along the city's floodplains and drainage corridors intended to promote the creation of multiple public access points and continuous trails, whether or not the land is owned by a public entity, a nonprofit, or is made available by private owners through a voluntary conservation easement or other mechanism.

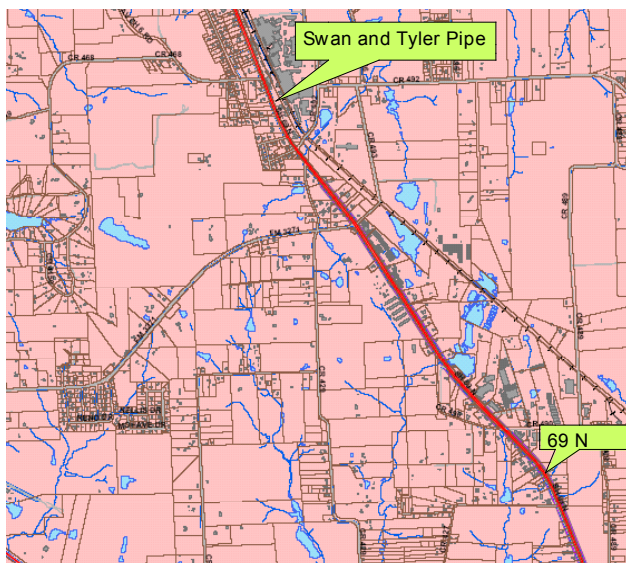
## C. The Future Land Use Guide and Principles for the ETJ



The area out Route 31W contains a mixture of isolated agricultural, industrial and residential uses at a variety of densities.

Because neither the County nor the City has authority over the location of land uses in the ETJ, development often occurs in a haphazard manner, as discussed in previous chapters. Individual landowners work with individual developers to develop their land. Although developers sometimes acquire large parcels or assemble smaller parcels into a larger site, in comparison to development projects covering thousands of acres in other parts of Texas, Tyler area projects are relatively small. In any particular case, a developer weighs a variety of factors, especially the availability and price of land, access to infrastructure (roads, sewer and water), and, in many cases, school district reputation and access to lakes and other amenities. What generally gets little or no consideration is how a particular development

fits into the overall regional pattern of development. The ETJ Future Land Use Guide can provide a conceptual picture of preferred development patterns, taking into account the Master Street Plan, potential open space networks, existing and future inter-regional transportation routes, agricultural preservation goals and development trends.



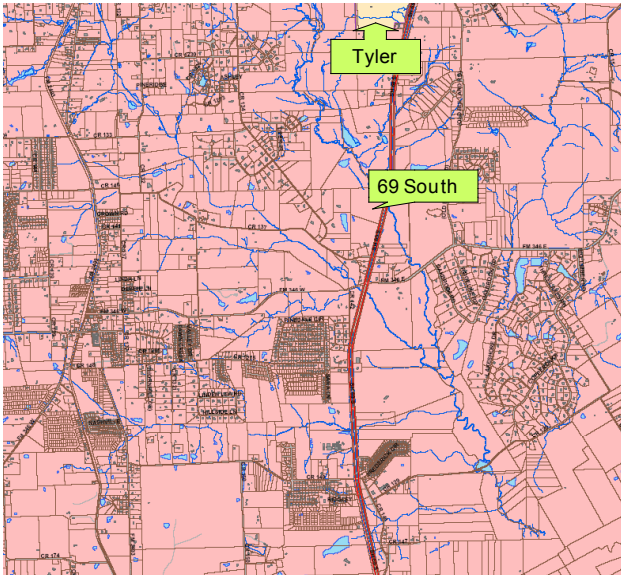
Many small commercial and residential lots line U.S. 69N between the city limits and Swan, with isolated subdivisions further to the west.

Although subdivisions are proliferating within the ETJ, especially to the south but also north of the city limits, much of the ETJ remains rural and could accommodate significant growth in the coming decades. Population has been growing faster in the unincorporated county than within the city limits and will probably continue to do so, even as implementation of Tyler 1st directs a greater proportion of future growth into the city center and infill development. Some of this growth in the ETJ will be incorporated into the city through annexation.

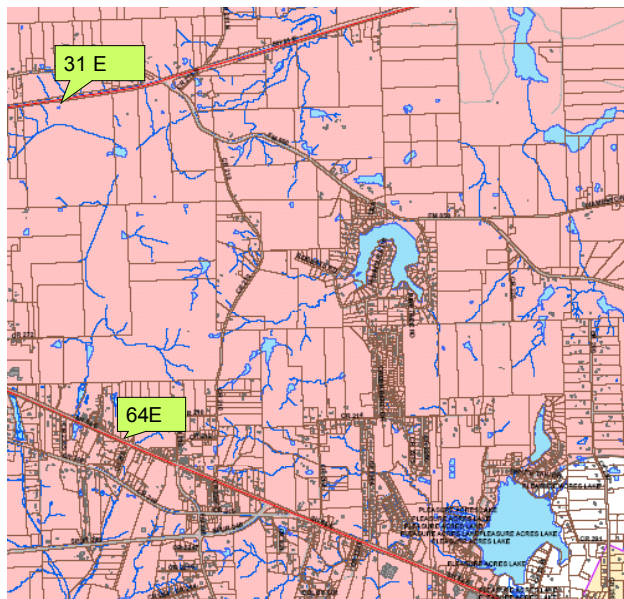
Within the ETJ it is possible to see a variety of development patterns representing different eras in the encroachment of non-agricultural land uses into a rural countryside. At traditional crossroads like Gresham, Swan and New Harmony, smaller roadside lots



indicate the older presence of hamlets that were once the village centers of a rural economy and, in the case of Swan, housing clustered around the Tyler Pipe factory. As some people who work in town decided to live “in the country,” the roads that radiate out from the city were increasingly subdivided into smaller parcels for housing and for businesses. New residential subdivisions, often on much smaller lots, and designed as self-contained pods off a rural road, have tended to spring up in certain locations: just outside the city limits of Tyler and neighboring smaller cities, particularly to the south; off major road corridors like Old Jacksonville Highway and U.S. 69; and close to Lakes Tyler and Tyler East and Lake Palestine. The greatest amount of residential development in the ETJ can be seen off Old Jacksonville Highway and east to Broadway, reflecting the location of a sought-after school zone. Commercial development can be seen at traditional crossroads locations but it has a tendency to spread in discontinuous fragments along major roads. Larger land parcels suitable for rural economic pursuits tend to occupy the “wedges” between the “spokes” in the radial road network centered on the city. As development has been occurring in the ETJ and the county, residential development forms a fragmented mix within the remaining agricultural economy and rural landscape. Of course, a number of the remaining farm and ranch properties no longer function as the primary economic mainstay of their owners. There are many second homes belonging to people who live in East Texas cities or in the Dallas-Fort Worth area. Nonetheless, they preserve rural landscapes and, often, rural economic activities.



Numerous subdivisions have been built between U.S. 69S and Old Jacksonville Highway.



East of the city limits, development extends along Hwy. 64E and around several lakes, but much of the area between Hwy. 31E and Hwy. 64E remains undeveloped.

Over the very long term, 30 to 50 years ahead, continuation of the development model currently in practice in the ETJ will likely produce the sprawling development that is characteristic today of the Dallas-Fort Worth Metroplex. Multiple small subdivisions and multifamily projects emptying onto long corridors of low-density retail development, with the accompanying traffic congestion and lack of parks and other amenities, will overwhelm the East Texas landscape so valued by Tyler residents. As Tyler grows and incorporates more of the ETJ into the city limits and expands its ETJ further into the county, it may find a hodge-podge of land uses and development conditions that will be difficult to change.

Over the very long term, 30 to 50 years ahead, continuation of the development model currently in practice in the ETJ will likely produce the sprawling development that is characteristic today of the Dallas-Fort Worth Metroplex. Multiple small subdivisions and multifamily projects emptying onto long corridors of low-density retail development, with the accompanying traffic congestion and lack of parks and other amenities, will overwhelm the East Texas landscape so valued by Tyler residents. As Tyler grows and incorporates more of the ETJ into the city limits and expands its ETJ further into the county, it may find a hodge-podge of land uses and development conditions that will be difficult to change.

The relatively small size of land parcels in the ETJ contributes to this situation. Because of the abundance of water in East Texas and the area’s agricultural history as a producer of horticultural products, rural Smith County was able to support more farmers and ranchers than more arid parts of the Texas and they divided up the land into smaller parcels, creating a landscape with many landowners. Combined with the region’s modest (though steady) growth compared to places like the Metroplex or Arizona, this circumstance makes Tyler less attractive to large-scale developers and builders whose projects encompass thousands of acres. The most innovative of these large development projects are designed like small towns, with a variety of housing types, substantial open space and environmental protections, civic buildings like schools and community centers, and neighborhood retail centers. In contrast, the Tyler area has many small and medium-sized builders and the average subdivision outside of the city is approximately 40 acres. Although this can be beneficial from some points of view, the relatively small size of ETJ land parcels and development sites makes it much more difficult to create interconnected subdivisions with appropriately located open space, civic centers and neighborhood centers. This is one reason that a Future Land Use Guide for the ETJ, despite the City’s limited regulatory tools, can be valuable.

As the largest municipality in the region, Tyler’s leadership role is as important in land use planning as it is in transportation planning. The City is the lead agency in the Tyler Metropolitan Planning Organization, the federally-mandated regional organization focused on meeting future transportation needs. The City can expand that leadership role by working with the County, neighboring cities, and landowners on creating the frameworks for growth in the ETJ and the county as a whole. This is particularly true in the case of regional amenities that will not emerge simply from the cumulative actions of private property owners, for example, a regional trail system and a regional network of parks and civic centers. The MPO has commissioned a plan for a regional trail system, which is a good first step in exercising leadership to create a network of trails and parks.

## ETJ FUTURE LAND USE GUIDE

By promoting the principles and the logic behind locational decisions that underlie the ETJ Future Land Use Guide to developers and property owners, the City can help steer development in the ETJ. The underlying principles and logic are nearly the same as for the City Future Land Use Guide. Principles applicable only to more urbanized areas have been omitted and several regional principles added.

PRINCIPLES TO GUIDE ETJ FUTURE LAND USE	
PRESERVE	
•	Preserve existing single-family neighborhoods.
•	Preserve major drainage corridors for park location and trail development in linear greenways with neighborhood access.
•	Preserve land for industrial and distribution uses in clusters near transportation facilities and in business parks.
•	Preserve land for future transportation rights-of-way.

PRINCIPLES TO GUIDE ETJ FUTURE LAND USE	
<b>PROMOTE</b>	
•	Promote development patterns and connected developments for walkable environments and alternative transportation.
•	Promote mixed-use development clusters at important intersections to include residential, commercial, employment, park and civic areas in close proximity.
•	Promote diverse housing types in new development.
•	Promote non-residential uses that take advantage of unique transportation and infrastructure assets like interstate highway interchanges and the airport.
<b>LOCATE</b>	
•	Encourage utility extensions to new areas to promote and encourage development adjacent to existing developed or platted areas and discourage “leapfrog” development.
•	Encourage land uses that provide appropriate transitions from higher-impact uses through medium-impact uses to lower-impact uses.
•	Encourage industrial uses in proximity to existing industry and major inter-regional transportation routes.
•	Encourage regional parks throughout the ETJ to serve developing residential neighborhoods and provide for smaller parks within those neighborhoods.
•	Encourage village clusters containing retail, services and civic uses throughout the ETJ to serve residents within an approximately three-mile radius, seeking locations with a history as crossroads villages and hamlets, when possible.
<b>IMPLEMENT</b>	
•	Plan and size infrastructure for future adopted land uses.
•	Implement the future land use guide through capital investment planning.

The ETJ Future Land Use Guide focuses on the potential location of non-residential land uses. The distribution of these land uses was influenced by the following:

- Existing uses, especially residential subdivisions
- Transportation nodes such as intersections of major arterials or rural roads
- The Master Street Plan’s proposed locations of future streets and intersections
- Water bodies and stream corridors
- Topography
- Named places (such as Swan, Gresham, Shady Grove, and Walnut Grove) that have already begun to develop into village centers or are suitably located to become village neighborhood centers to serve new residential development
- Rural crossroads with small lots that indicate a history as hamlets or villages
- Potential for a future park and trail network

*The land use categories are less detailed than in the City Future Land Use Guide. All locations are conceptual and not intended to identify particular parcels for specific uses:*

**Mixed-Use (primarily residential/retail) Centers**

- Loop 49 intersections with roads radiating from the city.

### Office-R&D/Light Industry/Distribution Centers

- Locations at interchanges with I-20, the UT-Health Center in Tyler and the Bioscience Park area, and around the airport.

### Industry

- Location just outside the northeastern city limits where industrial parks already exist, the former Goodyear plant, and the area around the Tyler landfill.

### Village Centers

- Locations appropriate for retail and services drawing on up to a three-mile radius.

### Community Parks

- Locations where a medium-to-large park, 20 acres and up, would be suitable. As development occurs, smaller parks to serve individual neighborhoods should also be created in accordance with the Tyler 1st goal to have a park within walking distance of every resident.

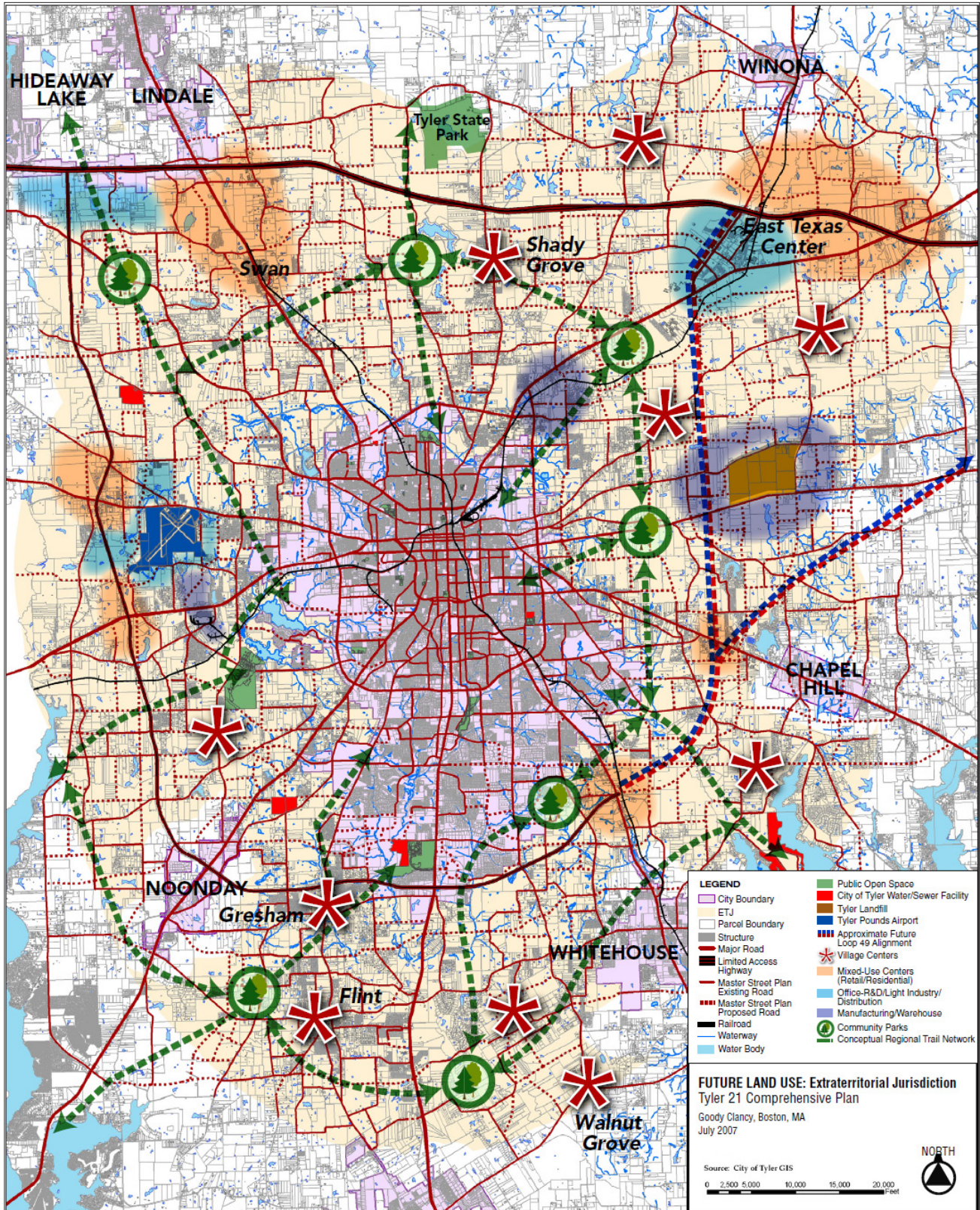
### Regional Trails and Networks

- Potential connections to link existing parks, streams and floodplains, and future parks and conservation areas in a network.



Village Centers are small clusters of convenience retail, service and civic uses to serve surrounding residential areas.

**FUTURE LAND USE: EXTRATERRITORIAL JURISDICTION**



## SHAPING GROWTH IN THE ETJ THROUGH SUBDIVISION REGULATIONS

The purpose of extending subdivision jurisdiction into a city's extraterritorial jurisdiction is to provide a way to promote orderly, planned growth. Subdivision regulations, therefore, can play an extremely important role in shaping growth in Tyler's ETJ. A subdivision is a site master plan and, as discussed in previous chapters of the Comprehensive Plan, design choices can make a big difference in both the internal quality of a subdivision and the way that it relates to the developed and undeveloped land around it. New options for subdivision design can promote ETJ development compatible with the Tyler 1st Vision and Principles as expressed throughout the Comprehensive Plan by:

- Encouraging more transportation choices, connectivity and walkability, through elements such as shorter blocks, pedestrian and bicycle amenities, narrower streets, and more variety in street design.
- Providing parks and open space in networks, through clustering of house lots to provide more usable open space, and location of open space to protect sensitive lands and connect to regional greenway corridors along streams and floodplains.
- Providing more cost-efficient infrastructure investments by clustering of house lots to reduce the length of pipes and asphalt, as well as periodically examining the most cost-effective pipe materials.

Subdivision regulations that provide more flexibility within an overall framework of desired outcomes will promote more thoughtful subdivision site planning while allowing developers to be more cost-efficient in their infrastructure investments – investing more in the initial design phase than before, but saving in the costs of infrastructure and paving.



Flexible subdivision designs can provide more amenities for residents while being more cost-effective for developers.

## D. Annexation: Criteria and Priorities

Tyler has land within the city limits that is either vacant or suitable for redevelopment. Infill development and redevelopment, particularly downtown and in the North End planning area, are among the most important goals of the Tyler 1st Comprehensive Plan. Why, then, is annexation of land outside the current city limits important to Tyler?

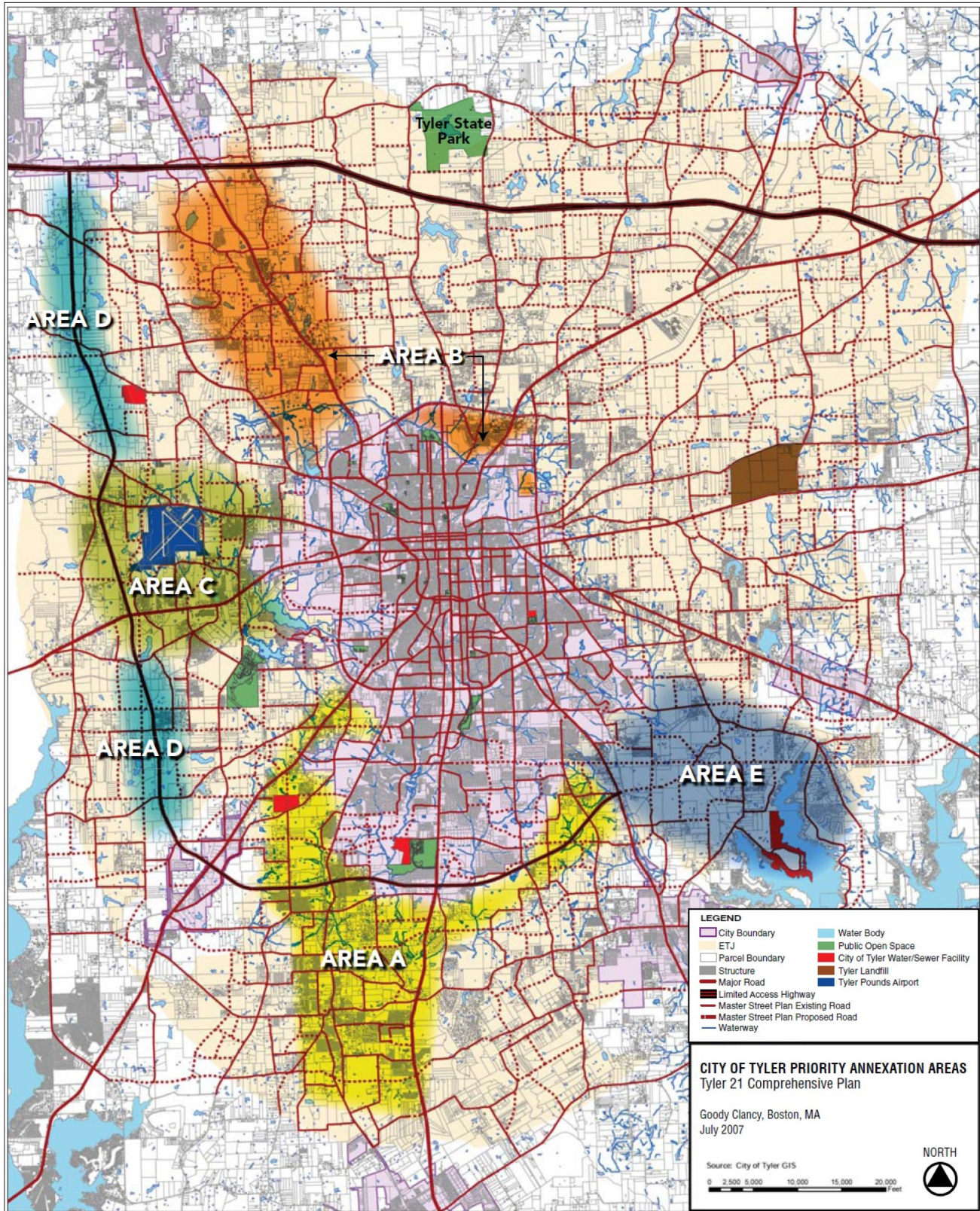
The purpose of annexing land is to bring urbanizing areas into a system where they can be provided with services and where development can be regulated to ensure public health, safety and welfare. In addition, annexation is a way to shape and manage future growth, because annexation in Texas requires provision of infrastructure along with regulation of land uses. On average, cities in other states receive about 13% of their budget from state aid in recognition of the fact that cities benefit entire regions but most of their revenues come from property owners within the city limits. Texas provides no municipal aid. “The broad power of Texas home rule cities to annex has permitted cities in Texas to share the benefits of growth in the surrounding areas . . . . Without annexation authority . . . core urban areas . . . [may] deteriorate, thus eroding the viability of central cities, diminishing support networks, and imposing future costs on the entire metropolitan region. As a result, prospects for business locations, expansions, and retentions would be negatively affected.”<sup>1</sup>

Every city in Texas has an official annexation plan, even if all the plan says is that the city does not plan any annexations within the next three years. Tyler’s current annexation plan states that it does not plan to annex any land without a petition from landowners. If a municipality does expect to annex land, it must put an area in its annexation plan three years before annexation can occur, with the exception of areas with fewer than 100 separate tracts of land with one or more residences on each tract and land annexed by petition of landowners. Cities can amend their annexation plan at any time. This discussion of potential future annexation by Tyler does not constitute an official annexation plan.

With a few exceptions, land to be annexed must be contiguous to the current city limits and cannot be in the ETJ of another city. The exceptions include annexation of an area owned by the city (Texas Local Government Code §43.026), even if not contiguous, and annexation of a municipally-owned airport and right of way leading to airport (Texas Local Government Code §43.102). After annexation, the City must provide full municipal services, including water and sewer, commencing infrastructure projects within 2.5 years and completing them within 4.5 years. This can be quite costly, particularly if the area to be annexed does not yet have much existing development; that is, ratepayers whose payment will support bond financing. On the other hand, extension of infrastructure is one of the most important tools available to the City of Tyler to direct and shape growth.

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<sup>1</sup> This discussion of annexation is indebted to Scott N. Houston, “Municipal Annexation in Texas: Is It Really That Complicated?” presentation to Texas APA – Southmost Section, McAllen, TX, November 19, 2004.





## ISSUES TO GUIDE ANNEXATION DECISIONS

The decision to annex land must result from an assessment that it will benefit Tyler. Most annexations have occurred because land adjacent to the city limits has already been developed, or will soon be developed and annexation will enhance orderly development on the edges of the city. These annexations bring new property taxpayers and, usually, utility ratepayers into the city. Other potential criteria to consider in evaluating annexation choices include future benefits in economic development and shaping growth.

The map of Priority Annexation Areas identifies five directions for future annexation:



- **Area A – Southwest of the current city limits in the Old Jacksonville Highway corridor and along Loop 49 South.** Residential subdivisions and commercial development have been growing in this area for several decades. Residents and businesses in this area benefit from proximity to the city but they also suffer some disadvantages in terms of services and infrastructure because they are not in the city. Because there is no zoning, owners of developed properties can be unpleasantly surprised by unforeseen new land uses that may detract from the value of their own properties. Incorporation of this area would bring many new taxpayers and ratepayers into the city while providing them with better services and more protections for their property investments. There are a variety of water and sewer companies that serve residents and businesses in this area and the Tyler water and sewer utilities would seek to buy the infrastructure serving newly-annexed areas. In some cases, additional investment would be required to bring the infrastructure up to Tyler standards.



- **Area B – North along U.S. 69 to I-20 and north of the city limits inside Loop 323.** Tyler has been growing south, away from Interstate 20, for more than a generation. I-20 is a major national and interregional transportation and distribution route. By growing away from I-20, Tyler has turned away from the job and other economic benefits that closer proximity could bring. The recent location of a major Target distribution center near I-20 in an area annexed by the City of Lindale demonstrates the value of these locations. Area A also contains Swan and Tyler Pipe, as well as new subdivisions. Annexation would give Tyler direct land use control and the ability to shape development over some I-20 frontage and land around the city's most important gateway route, U.S. 69. Extension of city water and sewer infrastructure to this area is costly because it is at a higher elevation than the city's existing water treatment plant.

- **Area C – West to Tyler Pounds Airport and the future Loop 49 intersections.** The benefits would be to secure the future expansion capacity of the airport and regulate the land uses around it, as well as exert control over a major city gateway. The airport's location near the Loop 49 intersection makes it very attractive for potential non-residential uses that could bring economic benefits and jobs to Tyler, as indicated in the ETJ Future Land Use Guide. Although the airport has purchased some land to protect its flight path and potential expansion, incorporating Area C into the city would provide much superior control over residential encroachment. Water and sewer mains have already been extended as far as the airport. Control over development types and character at the first Loop 49 interchanges south of I-20 would also be very beneficial for the city.

- **Area D – Loop 49 West corridor sections.** Annexation of the Loop 49 corridor from I-20 to the interchanges west of the airport (included in annexation Area C) and

from there to the City of Noonday ETJ would give the City of Tyler the ability to regulate development, including potential to provide a green parkway character along this limited-access road.

- **Area E – Southeast of the current city limits towards Lake Tyler.** This area is less developed than the others, but the combined attractions of the lakes and the well-rated Whitehouse school district are drawing new development. City control over the area to Lake Tyler would make it possible to plan and implement robust greenway and open space connections from current city neighborhoods to public open space and recreation areas at the lakes, ensuring that new development will be structured by these connections and enhance them.

Criteria for ranking these four areas in terms of priority include:

- Amount of existing development and potential tax benefits
- Potential for imminent new development
- Potential connection to unique transportation locations like interstate highway interchanges and the airport
- Adverse consequences of not annexing the area
- Cost of extending infrastructure
- Potential for significant shaping of development character

A simple matrix can help organize the criteria to compare the different areas and assess a priority ranking for these four areas:



ANNEXATION PRIORITY MATRIX					
	AREA A: Old Jacksonville Highway corridor	AREA B: U.S. 69N to I-20	AREA C: Airport area	AREA D: Loop 49 West corridor	AREA E: Southeast to Lake Tyler
<b>Amount of existing development, potential revenue benefits to the City, and ability to recover costs</b>	High	High	Medium	Low	Low
<b>Potential for imminent new development</b>	High	High	Medium	Low	Medium
<b>Potential connection to unique transportation locations</b>	High	High	High	High	Low
<b>Adverse consequences of not annexing the area</b>	Medium	High	High	High	Low
<b>Cost of extending infrastructure</b>	Low/medium	High	Low	High	Medium/High
<b>Potential for significant shaping of development character</b>	High	Medium	Medium	High	High



Annexation of priority areas will occur in different phases. Phase One should include Areas A, B, and C. Area A is the highest-priority annexation area, primarily because it lies between two high-growth corridors and also is located in a good school district. Area B, the second priority area, has been studied by the City and new development is occurring off of U.S. 69 north to I-20. Development along the corridor is expected to continue, as the area is in the desirable Lindale school district and has good connections to Tyler and the interstate. Phase Two should concentrate on Area D along the new Loop 49 to allow the City to manage development at new interchanges along this corridor. Area D cannot be annexed until after Area B has been annexed because portions of Area D currently lie outside of Tyler's ETJ. Once Area B has been brought into the city limits, Tyler can extend its ETJ to include Area D. Phase Three should focus on Area E near Whitehouse and the lakes. Tyler should continue to examine areas for possible annexation including all priority annexation areas and locations in the vicinity of Loop 49.

## **E. Future Land Use, Annexation Priorities and Long-Term Development Patterns**

The Future Land Use Guide and the annexation priorities discussed in this chapter represent only part of a framework to aid decision makers as they guide the physical development of Tyler into the future. The Future Land Use Guide is not a mandate for private developers and landowners and should be viewed only as a tool to help the community understand how Tyler can shape future development within the current city limits and its ETJ. In conjunction with adjustments to the City's zoning and subdivision regulations, judicious investment in the public realm, private investment in response to the planning framework and incentives, and public-private partnerships, the Tyler community will begin to see the achievement of the goals that Tylerites called for in the visioning phase of the Comprehensive Plan. The next chapter will focus on how to implement the plan – through zoning and new urban design approaches, mechanisms for public investment, flexible incentives for private investment, and mobilization of Tyler's civic institutions and the city's greatest asset: its people.