

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KYLE, TEXAS; AMENDING CHAPTER 53 ("ZONING"), ARTICLE V ("LANDSCAPING AND SCREENING REQUIREMENTS"), AUTHORIZING THE CITY SECRETARY TO AMEND ORDINANCE ____ OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED AS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Kyle is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the City regulates the built environment within its corporate limits and requires a portion of each development lot to provide ornamental landscaping and visual screening; and

WHEREAS, the City's landscape and screening regulations are of sufficient importance to stand alone as a separate chapter in the City's Code of Ordinances; and

WHEREAS, City officials and staff have participated in a long-time process to review, revise, edit, and amend the existing landscape and screening requirements in the Zoning Ordinance; and

WHEREAS, the City seeks to incentivize the preservation of existing landscape cover during the site development and building process, the Mayor and City Council desire to revise said Landscape and Screening regulations; and

WHEREAS, the regulation of that real property installed in and around duly dedicated city rights of ways is a reasonable and lawful police power of Texas home rule jurisdictions; and

WHEREAS, the Mayor and City Council have reviewed these recommended changes to the Kyle Zoning Ordinance and find that it furthers the City's intended policies and plans and will better serve as zoning and development regulations for the future of the City's development; and

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

SECTION 1. Ordinance ____ amended as set forth in Exhibit A. Added text is indicated by underlining. Deleted text is indicated by strikethroughs. In codifying the changes authorized by this ordinance, paragraphs, sections, and subsections may be renumbered and reformatted, including but not limited to the creation of new chapter(s) in the City's Code of Ordinances, as appropriate and consistent with the existing numbering and formatting of the existing ordinance.

SECTION 2. That the City Secretary is hereby authorized and directed to update the City of Kyle code to reflect the changes made in Exhibit A and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the 20th day of September, 2016, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the 18th day of October, 2016, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this _____ day of _____, 2015.

R. Todd Webster, Mayor

ATTEST:

Jennifer Vetrano, City Secretary

EXHIBIT 'A'