

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KYLE, TEXAS; AMENDING CHAPTER 53 ("ZONING"), ARTICLE I ("IN GENERAL"), ARTICLE II, DIVISION 1, SECTION 53-33 (GENERAL REQUIREMENTS AND LIMITATIONS), ARTICLE II, DIVISIONS 2, 3, 4, AND 5, AS WELL AS CREATING NEW AND RENUMBERING EXISTING DIVISIONS; AUTHORIZING THE CITY SECRETARY TO AMEND ORDINANCE 438 OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; ADDING DEFINITIONS; PROVIDING STANDARDS TO ENCOURAGE DIVERSITY OF HOUSING DESIGN IN KYLE; PROVIDING STANDARDS FOR DETERMINING OF A FRONT WALL FOR THE PURPOSES OF DETERMINING A GARAGE FRONT SETBACK; PROVIDING STANDARDS TO DETERMINE IF A FRONT WALL IS DOMINATED BY A GARAGE; PROVIDING SEVERABILITY; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED AS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO.**

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 provides regulatory mechanisms in Chapter 53 of the City Code which manage the construction of new, single family detached homes; and

WHEREAS, the City seeks to expand and clarify the rules and regulations for exterior home designs and construction aesthetics; and

WHEREAS, the City encourages diversity in permissible home design appearance; and

WHEREAS, in order to provide greater specificity in requirements for exterior home façade treatments and overall design aesthetics, the Mayor and City Council desire to revise said Zoning Regulations; and

WHEREAS, the regulation of individual structure aesthetics within Kyle's corporate limits 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 Regulations and find that it furthers the City's intended policies and plans, and will better serve as Zoning 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 Ordinance 438 amended as set forth in Exhibit A; corresponding and conflicting text of Ordinance 824 will be repealed and replaced, where appropriate, by the text of

this ordinance amendment. 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 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 its final approval by the City's Mayor and City Council.

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 3rd day of January, 2017, 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 17th day of January, 2017, 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
R. Todd Webster, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer A. Vetrano, City Secretary



## **EXHIBIT 'A'**