

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING SEC. 53-899 "I-35 OVERLAY DISTRICT DEVELOPMENT STANDARDS.", OF CHAPTER 53 "ZONING", OF THE CITY OF KYLE CODE OF ORDINANCES, BY REMOVING THE ALLOWANCE FOR OUTDOOR DISPLAY AND SALES OF NEW AND USED VEHICLES (AS DESCRIBED HEREIN), FROM THE I-35 OVERLAY DISTRICT DEVELOPMENT STANDARDS.

WHEREAS, the City of Kyle is authorized to regulate property development by establishing the strict guidelines for the time, manner, and place of certain improvements; and

WHEREAS, the City of Kyle has adopted a Comprehensive Plan which spells out general development principles;

WHEREAS, development along Interstate 35 is subject to heightened design and development standards as spelled out in the city's Comprehensive Plan and conditional use zoning process; and

WHEREAS, the City of Kyle encourages constant evaluation of regulatory practices, procedures and allowances to ensure conformance with the previously established visions, goals, policies, and objectives outlined in the comprehensive master plan; and

WHEREAS, the City of Kyle seeks to provide direct guidance regarding development within the public and private realm through the Zoning Ordinance.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made part hereof for all purposes as findings of fact.

Section 2. Amendment of Zoning Ordinance. City of Kyle Ordinance No. 717, as amended, the City of Kyle Zoning Ordinance No. 717 (the "I-35 Overlay District Development Standards" or "I-35 Overlay"), is hereby modified and amended by removing the allowance for outdoor sales and display of new and used automobiles as set forth in Section 3.

Section 3. Conditional Use Amended. The I-35 Overlay Ordinance is hereby amended by removing the allowance for outdoor display and sales of vehicles (new or used), and

requiring indoor sales and display of new and use automobiles in the I-35 Overlay District to be approved only by conditional use permit.

Section 4. Conditions and Standards of the I-35 Overlay District. Those changes noted in the attached Exhibit A are affected by this text amendment.

Section 5. Effective Date. This Ordinance language will be in full force and effective on the date of final approval by the City of Kyle Mayor and City Council.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed, was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 51, Texas Local Government Code.

PASSED AND APPROVED on first reading, this the ____ day of _____, 2017.

PASSED AND APPROVED on second reading, this the ____ day of _____, 2017.

Jennifer A. Vetrano, City Secretary

Date: _____

R. Todd Webster, Mayor

Date: _____

EXHIBIT 'A'

(d) Uses. The permitted uses of the property shall be determined by the use regulations set forth in the base zoning district for the property except as follows:

~~• All outdoor sales of vehicle sales (new or used) within the I-35 overlay district shall require a conditional use permit."~~

- ~~1. All motor vehicle and trailer sales, rentals or leasing are prohibited from operating outdoors in the I-35 Overlay District. This includes, but is not limited to, the sale, rental and leasing of cars, trucks, vans, motorcycles, water craft, recreational vehicles, all-terrain vehicles, OHV vehicles, buses, trailers, farm and lawn equipment, construction equipment, demolition equipment, commercial vehicles, limousines, and all other similar vehicles not listed. This description of outdoor vehicle sales applies to this entire section, including the "Exceptions" subsection.~~
- ~~2. Exceptions - Motor vehicles sales, rentals, and leasing as described in this section are permitted within a covered, enclosed building, following City Council approval of a Conditional Use Permit. In all cases, all sales inventory and sales display models must be stored and presented for sale/lease/rental within a covered, enclosed building.~~

~~Land uses in operation at the time of adoption of this provision must operate in accordance with §53-1140 - Non-conforming uses, Code of Ordinances, City of Kyle.~~