

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

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KYLE, TEXAS; AMENDING CHAPTER 53 ("ZONING"), ARTICLE 1; ARTICLE IV, DIVISION 1; 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 NEIGHBORHOOD AND HOUSING DESIGN IN KYLE; CREATING A CONDITIONAL USE PROCESS FOR THE REVIEW AND APPROVAL OF NEW ONE- AND TWO-FAMILY HOUSING SUBDIVISIONS; PROVIDING STANDARDS FOR DETERMINING APPROPRIATENESS OF NEIGHBORHOOD DESIGN; PROVIDING STANDARDS FOR DETERMINING APPROPRIATENESS OF RESIDENTIAL ARCHITECTURE AND ARCHITECTURAL FEATURES; 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 design of new divisions of land and construction of new, single family detached homes within the boundaries of that land; and

WHEREAS, the City seeks to expand and clarify the ideals and regulations for new neighborhood designs; and

WHEREAS, the City encourages attractive and functional amenities near its residents; 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 any prior Ordinance will be repealed, where appropriate, by the text of this ordinance amendment. 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 provisions, sections, sentences, clauses, or phrases 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 1<sup>st</sup> day of August, 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 15<sup>th</sup> day of August, 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 Vetrano, City Secretary

**EXHIBIT 'A'**

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Chapter 53, Article I:

53-5, Definitions:

*façade* – both the entire single elevation or plane of a structure, or a child section therein that can be considered a unique plane due to change in depth or architectural features from the parent elevation.

*front elevation* – the dominate plane oriented toward the front property line, typically consisting of the primary entry and egress to the structure.

*front porch* – a covered area forward of the home’s primary entry door with architectural delineators such as a railing with balusters, or solid wall of height less than four (4) feet and greater than three (3) feet, with minimum of eight (8) feet of width and four (4) feet of depth

*front stoop cover* – A protrusion that typically serves only to shield from above the front entrance landing of a home, and generally is less than eight (8’) feet in width or depth.

*front wall* - the forward-most, covered façade or facades of a structure that face(s) the front property line.

*multistory home* – homes that have enclosed, conditioned, habitable space of at least one hundred-forty (140) square feet above the main floor.

*primary garage opening* – regardless if a single- or double vehicle garage entry, the Primary Garage Opening shall be the width of the opening for the garage door(s), which for a double vehicle garage is typically sixteen (16) to seventeen (17) feet. For garages intended for 3 vehicles, if only the single door for the 3<sup>rd</sup> vehicle faces forward, in the case of the two-vehicle garage being side entry, then this shall count as the Primary Garage Opening despite it being a single vehicle door.

Chapter 53, Article IV, Division 1:

## **I. NEIGHBORHOOD DESIGN & IMPROVEMENTS**

**§53-930** The following design concepts associated with one- and two-family residential dwelling projects should be incorporated in each neighborhood plan. The Planning and

Zoning Commission, following appropriate public notice in a newspaper of local circulation and on-site posting for no less than a fifteen (15) day review period, will review each proposal for new subdivisions against the following standards, and may approve, deny, or approve with conditions, each new application justified by the incorporation and suitability of each standard.

- A. Design with nature – Before any layout or structure placement can be drawn for a site, the property should be evaluated for topography, natural water courses, and stands of trees. Placement of homes on high ground assists with gravity waste water infrastructure, and avoiding the development of naturalized areas creates the opportunity for passive subdivision amenities to be located in those areas, for the benefit of all the residents. Maximizing the accessibility of homes allows for fewer roads to be built, reducing the overall need for improvements and impervious surface area for the project in total.



- B. Consider green infrastructure – Utilize storm water right at the source: rather than inserting those waters back into an adjacent stream system, utilize reclaimed storm water to irrigate on-site landscaping or parks amenities. Capitalize on the use of natural filtration via rain gardens and pervious pavement, both of which can reduce the amount and velocity of storm water that does manage to make it off-site. Even residential downspouts can be responsibly connected to the storm sewer system, if those discharges are routed to a pond used for irrigation at the source.
- C. Install amenities which serve a dual purpose – storm water management detention (dry ponds) can be utilized as sports fields, as Kyle on average only experiences 49 days per year of measurable precipitation. Retention ponds (wet ponds) can be designed as a source of local irrigation, and also as a focal point or gathering place for a passive recreation park or trail. Street-side tree plantings serve as traffic calming, provide shade & cooling for pedestrians, provide protections in the form of a buffer between pedestrians and vehicle traffic, and recent studies show the shade provided

by the over-story canopy actually shades the sidewalk and road pavement, which reduces the expansion and contraction cycle of the hard surfaces, leading to longer time periods between necessary re-surfacing (street infrastructure resiliency). Easements for underground utilities which cannot be built upon with structures can be used for trail systems and bike/pedestrian connections.

- D. Avoid mass grading to the greatest extent possible – native landscapes thrive best in undisturbed top soil to which they’ve grown accustomed. Retain native topsoil,



specifically do not strip and later replace topsoil in areas that will not be built upon. Top- and sub-soil cleared and disturbed during the construction process is also much more susceptible to wind and water erosion, leading to

siltation of neighboring water bodies. If no built improvements are planned for a particular area of a housing project, segregate those areas as ‘no encroachment zones’ during the construction process. This saves on labor, fuel, and equipment costs, with the added benefit of preserving a mature landscape area when the project is complete.

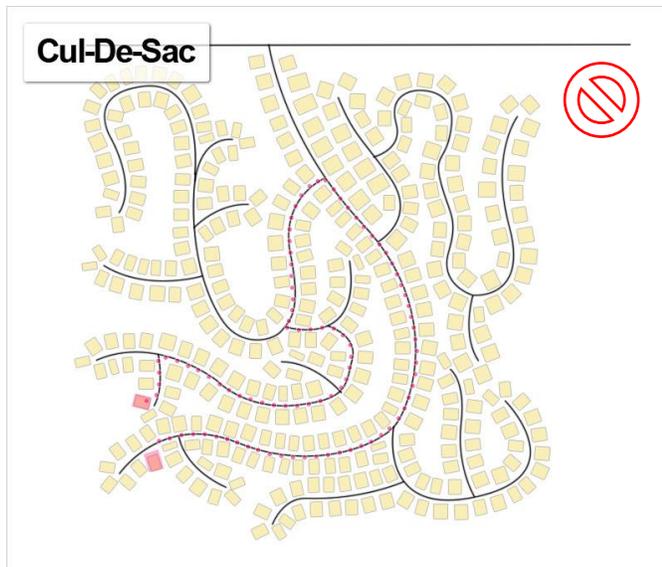
- E. Encourage the installation of trails and passive recreation areas, rather than cut & fill near water courses. Residents located in projects too remote to be reached via walking or biking, still need walking and bike trails located near to where they live.

Those areas that can’t be built upon because of steep slopes, stands of mature forest canopy, or proximity to floodplain and other low sections of land are prime candidates for trails and low-impact recreation improvements. For a comparatively

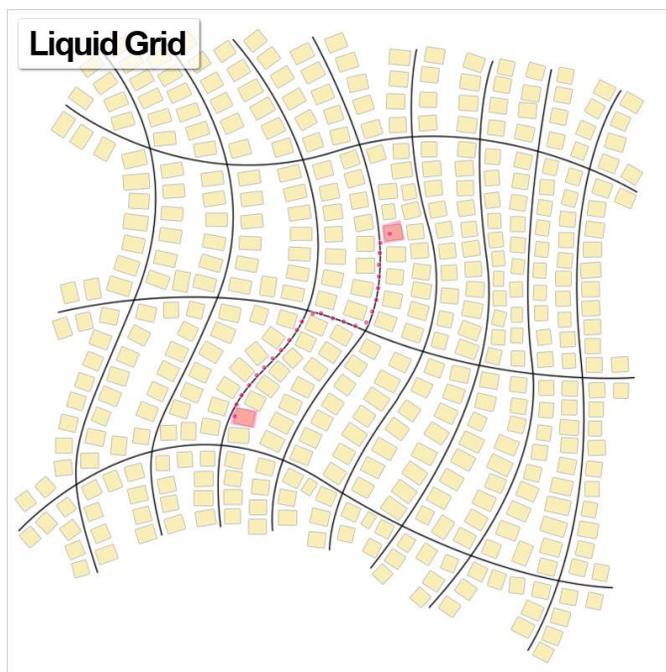


low capital outlay, the value of that amenity to a prospective buyer should be considered a necessary investment in any housing project.

F. Avoid cul-de-sacs – sometimes despite substantial obstacles, the transportation network in the project should create the most amount of connectivity possible. Through streets which create multiple pathways in, out, and through a project actually lead to lower overall speeds in a neighborhood, and greatly reduce the number of congestion points



as compared to a project designed with dead-end cul-de-sacs. Reduced connectivity places a higher stress on those few remaining streets which do connect to adjacent collector and arterial roadways. Relieve the overall traffic demand on the most-popular corridors by creating alternatives for that traffic flow.



G. Short-term off-street parking should be provided. 90-degree and angled off-street parking spaces located throughout a residential project allow for occasional, temporary parking without taking up room in a private driveway, nor blocking travel lanes in violation of Kyle's life safety requirements for the unobstructed widths of streets. The provision for excess parking *off-street* also allows streets to be paved with less

width required, which fulfills a traffic calming design function, reduces site-wide impervious surface area, and lowers overall development costs.

H. Within any project containing any amount of low-density residential land use, roughly 2% of the project's net acreage should be reserved for active recreational

opportunities, especially geared toward children. Playgrounds and tot lots should be situated as to be within a four-minute walk of most households. When they are spaced at this distance, a typical neighborhood will contain more than one such park. Each lot should be no smaller than a quarter-acre in size, containing hardscapes and landscaped areas, benches for resting, and play equipment, all in proximity to ample tree cover. While pocket parks may occupy an undeveloped home lot, it is best placed at a conspicuous location such as a staggered intersection or vista termination.

Chapter 53, Article IV, Division 1:

## **II. STANDARDS FOR RESIDENTIAL ONE- AND TWO-FAMILY DWELLING UNITS**

**§53-931** Kyle's Community Development Director, or his designee, shall review each new request for one- and two-family residential building permits against the following requirements. Home plans that conform with these guidelines may be approved for construction city-wide, where compliant and appropriate. Additionally, mirrored plans, and those plans which retain the overall architectural style but vary exterior cladding, similarly may also be approved for construction. If an applicant disagrees with the determination of the Director or designee, s/he may appeal the decision to the Planning Commission, which may affirm the Director's decision, reverse it, or remand the review pending revisions to the plan set in question.

### **§53-932 Styles**

- A. Avoid homogeneity of product styles in close proximity to one another - Vary orientation, architectural ornamentation, exterior building cladding, and colors for homes along the same block or development phase. No home plan should be built within three (3) lots, on either side of the street, of the same home plan within the same block.
- B. Residential architecture should stay true to a specific style (Queen Anne, Craftsman, Victorian, Colonial, etc.), and not unnecessarily mix styles.



### **§53-933 Siting**

- A. Respect the scale of homes along the same block – do not place two homes of disparate scale/height alongside one another without appropriate separation, as that breaks up the predominant rhythm of the block from a pedestrian scale. No structure may exceed the height of an adjacent structure by more than one floor. Similarly, front building setbacks shall be complimentary along the block.

- B. Alley loading is required for all homes on lots less than 50 feet in width\*, preferable for homes on lots of less than 60 feet in width, and should be encouraged for all new housing projects, similar to the housing pattern established in Kyle's downtown. The greatest and most obvious benefit to this development style is a much-reduced reliance on front-loaded, auto-oriented dwelling units. \*Cul-de-sac lots notwithstanding.
- C. Detached garages or other accessory structures must be located in the rear yard.
- D. Front-loaded garages shall not be located any closer than twenty (20) feet to a front property line in any district. Driveways will provide adequate room for parking without the need to block any sidewalks.
- E. In no case should the enclosed garage be the portion of the home closest to the front property line. Garages accessed from the front yard should be setback from the front plane of the home by a distance of no less than five (5) feet, and from any front plane in the case of multiple front planes. A designation of front wall can be given to a load-bearing wall that defines an inhabitable area on-grade. This designation does not require the front wall to be fully enclosed, but it shall dominate the non-garage opening portion of the front elevation, such as the load-bearing portion of a covered front porch, or the load bearing portion of a front porch where there is a covered balcony overhead. Uncovered areas in front of the home will not count as a front wall. Final determination of what does and does not constitute the designation of front wall shall be determined by the planning director ("director") or designee.
- F. Corner lots at the intersection of streets with different classification shall take vehicular access from the more minor of the two intersecting streets, if not alley or rear loaded.

### **§53-934 Materials/Construction**

- A. All homes will feature exteriors of a masonry material on all sides. This includes brick, natural stone, stucco, cementitious siding/panels, or other approved masonry cladding. Doors, windows, door and window casings, porch decking, roofs, and other architectural accent features are not required to be made from masonry materials.
- B. As new technologies emerge in the building industry, materials may be introduced that resemble traditional building materials in appearance, especially regarding

exterior cladding. New, composite materials, including a combination of wood, cement, and plastic fibers, may be considered for selected, specific uses, as long as they can meet or exceed the performance of the material they are imitating. It is important that alternate materials closely replicate original materials in size, texture, profile and surface treatment.

- C. The application of faux veneer panels as a primary cladding, such as brick veneer sheeting, Dryvit, EIFS, and engineered plywood is prohibited.
- D. All single-family and two-family structures must provide a garage for the dwelling unit(s). The minimum size for garages shall be three hundred eighty (380) square feet; homes with garages that measure fewer than 430 square feet shall additionally provide an on-site storage structure, with floor area of no less than 140 square feet; homes with garages that measure at least 430 but less than 480 square feet shall additionally provide an on-site storage structure, with floor area of no less than 80 square feet; homes with garages that measure 480 or more square feet shall have no such requirement to provide any additional on-site storage structure.



E. The architectural dominance of the garage door(s) on front-loaded home architecture shall be minimized above all else. Kyle alternately requires or at the least strongly encourages alley-loaded, rear-facing garage type products, and the consistent use of side-loading

garages, as well as garages located in the rear of the property but accessed from the front of the property.

- F. Forward facing garage door(s) shall be clad in a neutral color, noticeably darker so as not to draw primary attention to the façade, and yet complimentary to the overall aesthetic of the home. The door(s) shall present architectural features like hinge straps, windows, awning/roofs, and/or decorative handles. No front-facing garage façade or combination of garage façades may comprise more than half the overall width of the home's front façade.

G. All façades of a building shall contain a combination of architectural treatments, windows, returns, awnings, stoops, porches, and doors such that the maximum allowable unbroken façade distance for each building or side of building shall be twenty (20) feet. Such controls shall pertain to both the vertical and horizontal elevations. “Blank facades” that do not feature windows, doors, or the above architectural treatments are strictly prohibited. Exposed vents, electric meter boxes, storm gutters and similar utility conduits do not qualify as architectural treatments. It should be noted that for fire-rated walls, penetrations are not required to meet this standard, so the standard is still valid in all cases.

H. The reveal (exposed portion) of siding will be a minimum of four (4) inches and shall not exceed six (6) inches. Corner boards should have the same width and depth as the siding reveal, and are not permitted to be more than two (2) inches greater than the siding reveal, or more than one (1) inch less than the siding reveal.



I. If appropriate to the architectural style, covered front porches shall be fully-functional, habitable areas and be of at least 120 square feet and at least eight (8) feet in depth.



J. Window shutters, whether functional or decorative, shall be scaled as if to cover the window to which they are adjacent.

K. When utilizing asphalt shingles as a roofing cover, the shingles will be 3-tab “architectural” or “dimensional” style shingles.