

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

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING SEC. 29-16 “SIGN REGULATIONS RELATING TO COMMERCIAL NOT LOCATED ON INTERSTATE 35 SIGN CATEGORY.”, AND SEC. 29-17 “SIGN REGULATIONS RELATING TO COMMERCIAL LOCATED ON INTERSTATE 35 SIGN CATEGORY.”, OF CHAPTER 29 “SIGN STANDARDS AND PERMITS”, OF THE CITY OF KYLE CODE OF ORDINANCES, BY CREATING A SPECIAL EXCEPTION PROCESS TO ALLOW FOR THE ESTABLISHMENT OF UNIQUE, REMARKABLE, WAYFINDING, ICONIC, OR DESTINATION SIGNAGE STRUCTURES OF REGIONAL INTEREST FOR NON-RESIDENTIAL PROJECTS INSIDE KYLE’S CORPORATE LIMITS.**

**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 Sign Code which seeks to promote a positive image of the city, protect its economic base, reduce excessive and prolific signage, promote efficient transfer of information, and protect the public welfare;

**WHEREAS**, certain sign types can enhance the aesthetic of the city, and can be responsibly established via special exception 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 various master plans; and

**WHEREAS**, the City of Kyle seeks to provide direct guidance regarding the establishment of certain types of signage within the public and private realm through a combination of the Sign Ordinance and the special exception process.

**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. Special Exception Process Created.** The Sign Ordinance is hereby amended by creating a specific set of administrative procedures required for the city council to

consider and approve or deny a request for a special exception permit to establish certain sign types in Kyle's jurisdiction.

**Section 3. Amendment of Sign Standards.** City of Kyle Ordinance No. 717, as amended, the City of Kyle Zoning Ordinance No. 576 (Sign Standards and Permits), is hereby modified and amended by creating standards by which a special exception can be approved for the establishment of certain unique, remarkable, wayfinding, iconic, or destination signage structures of regional interest for non-residential projects as set forth in Sections 29-16 and 29-17.

**Section 4. Conditions and Standards.** 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

§29-16

(m) Notwithstanding the provisions, limitations, prohibitions, and other requirements of this chapter, the City Council may authorize, by four affirmative votes, a special exception permit in compliance with this sub-part for the establishment of unique, remarkable, wayfinding, iconic, or destination signage structures of regional interest for non-residential projects not fronted along the Interstate 35 right of way. The city council may impose appropriate conditions and safeguards, including but not limited to a specified period of time for the display of the signage, to protect the corridor viewshed, and to conserve and protect property and property values in the neighborhood.

(1) Public hearing and notice of the proposed zoning change.

- i. Not less than ten days prior to the date of the public hearing to be held by the Mayor and City Council on each request for special exception, written notice of the public hearing and the request proposed shall be given by U.S. mail to the owner of each lot, tract or parcel of land within 200 feet of the lot, tract or parcel being considered for the special exception. Such notices shall be mailed by first class mail addressed to the persons or firms to whom the properties are assessed on the city tax rolls.
- ii. Posted notice. A minimum of one sign shall be placed on each street frontage, public or private, with not more than four hundred (400) feet between any two signs along the same frontage. Property with multiple street frontages shall have the requisite sign on each street. Signs shall be placed in a visible, unobstructed location near the property line.
- iii. The notification signs shall be left in place until final action is taken on the request, unless the case is formally withdrawn by the applicant prior to a final decision. It shall be the responsibility of the applicant to periodically check sign locations to verify that signs remain in place and have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs.
- iv. Notice of the public hearing to be held by the city council shall be given by publishing such notice at least once in a newspaper of general circulation in the city, at least 15 days prior to the date set for public hearing.
- v. If the special exception is proposed by the city council or the planning and zoning commission, notice of the proposed special exception shall be made by the city manager mailing notification by first class mail to the person or firm to whom the property is assessed on the city tax rolls, and to all persons or firms to whom property within 200 feet of the proposed special exception is assessed on the city tax rolls.

- vi. The required notice for a public hearing having been given for the special exception, the city council may, as applicable, continue such matter to subsequent public meetings for final determination.
- (2) Appropriate conditions and safeguards for the approval of special exceptions described in this sub-part include:
  - i. Type of signage (wall-mounted or free-standing)
  - ii. Materials
  - iii. Lighting – signage must be made to conform with the city’s lighting ordinance found in Chapter 53.
  - iv. Overall size/dimensions
  - v. Sign structure location
  - vi. Architectural/aesthetic theme
  - vii. Location along major thoroughfares and corridor visibility
  - viii. Mutually beneficial value to the city’s interest, the community at-large, and the on-site establishment.
  - ix. Duration of display – the application for special exception may be approved subject to an expiration as set by the Council at the time of determination.

§29-17

(f) Notwithstanding the provisions, limitations, prohibitions, and other requirements of this chapter, the City Council may authorize, by four affirmative votes, a special exception permit in compliance with this sub-part for the establishment of unique, remarkable, wayfinding, iconic, or destination signage structures of regional interest for non-residential projects. The city council may impose appropriate conditions and safeguards, including but not limited to a specified period of time for the display of the signage, to protect the corridor viewshed, and to conserve and protect property and property values in the neighborhood.

(1) Public hearing and notice of the proposed zoning change.

- i. Not less than ten days prior to the date of the public hearing to be held by the Mayor and City Council on each request for special exception, written notice of the public hearing and the request proposed shall be given by U.S. mail to the owner of each lot, tract or parcel of land within 200 feet of the lot, tract or parcel being considered for the special exception. Such notices shall be mailed by first class mail addressed to the persons or firms to whom the properties are assessed on the city tax rolls.
- ii. Posted notice. A minimum of one sign shall be placed on each street frontage, public or private, including any State right(s) of way, with not more than four hundred (400) feet between any two signs along the same frontage. Property

with multiple street frontages shall have the requisite sign on each street. Signs shall be placed in a visible, unobstructed location near the property line.

- iii. The notification signs shall be left in place until final action is taken on the request, unless the case is formally withdrawn by the applicant prior to a final decision. It shall be the responsibility of the applicant to periodically check sign locations to verify that signs remain in place and have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs.
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