



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Mayor & City Council

FROM: Howard J. Koontz- Director of Planning & Community Development

DATE: September 5, 2017

SUBJECT: Amending Rural Subdivision Lot Standards

PROPOSAL

As the rural areas surrounding the City of Kyle continue to develop, it has come to the attention that there is a discrepancy in the minimum lot sizes required in the City's Extra Territorial Jurisdiction. Two sections of the city's code have separate minimum standards, creating confusion for the City and property owners, when reviewing development for code compliance. This proposed amendment to Sec. 41-82(e) and Sec. 41-136(a) seeks to clarify standards for rural subdivisions and make provisions that are not at odds.

TEXT OF THE AMENDED ZONING ORDINANCE

Sec. 41-82(e) Rural Subdivision Standards

(e) *Lots*. All lots in rural subdivisions shall:

- (1) Be greater than one acre in area (See Sec. 41-136(a) for exceptions);
- (2) Have a minimum width at the front property line of 130 feet; and
- (3) Be designed so that all access is provided from a local street except access may be permitted from a major thoroughfare or street; state highway, farm to market road or ranch road; or numbered/or named county roadway if a minimum driveway centerline spacing of 200 feet is provided between driveways.

Sec. 41-136(a) Lots

- (a) *Area requirements.* Within the corporate limits of the city, the required lot area, width, setback line, side yard and rear yard requirements shall be established by chapter 53, zoning, based on uses proposed by the developer. Such limited provisions of chapter 53, zoning, as to lot layout, size and setbacks are incorporated herein by reference as subdivision regulations (see chart 1). The minimum residential lot size in the city's extraterritorial jurisdiction shall be 9,600 square feet, if connected to off-site sewer. All lots to be served by a septic system shall have a lot size that is: ~~the larger of 20,000 square feet or the minimum lot size required by the county rules for on-site sewage facilities, whichever is greater,~~
- (1) Greater than one acre in area;
 - (2) Have a minimum width at the front property line of 130 feet; and
 - (3) Be designed so that all access is provided from a local street except access may be permitted from a major thoroughfare or street, state highway, farm to market road, ranch road, or numbered/or named county roadway if a minimum driveway centerline spacing of 200 feet is provided between driveways;
 - (4) And conform to all other ~~the~~ county rules for on-site septic facilities.

To help ensure future rural development does not have separate, conflicting standards, the proposed amendment has been submitted for your review. Staff asks that the Mayor & City Council to make a positive vote to approve the amendment.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING SEC. 41-82 “RURAL SUBDIVISION STANDARDS” AND SEC. 41-136 “LOTS”, OF THE CITY OF KYLE CODE OF ORDINANCES, BY AMENDING THE MINIMUM LOT AREA REQUIREMENTS IN THE CITY OF KYLE’S EXTRA TERRITORIAL JURISDICTION, AND REMOVING EXISTING CONFLICTING SUBDIVISION STANDARDS.

WHEREAS, the City of Kyle develops in a manner to better serve the community; and

WHEREAS, the City of Kyle is amending subdivision requirements in the Extra- Territorial Jurisdiction; and

WHEREAS, the City of Kyle is providing clarity to the subdivision process; and

WHEREAS, the City of Kyle is removing conflicting standards for development in the Extra-Territorial Jurisdiction.

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 the Subdivision Ordinance. City of Kyle Ordinance No. 439, as amended, the City of Kyle Subdivision Ordinance No. 439 is hereby modified and amended by updating and removing conflicting standards in Section 3.

Section 3. Conflicts Removed. Ord. No. 439 is hereby amended by updating and removing all conflicting minimum lot size requirements for subdivisions in the City of Kyle Extra-Territorial Jurisdiction, Sec. 41-82(e) and Sec. 41-136(a) (See Exhibit A).

Section 4. Conditions of Ordinance No. 439. All development initiated from the amended Ord. No. 439, passed and approved date and from here on out, will comply with Ord. No. 439 as amended.

Section 5. Standards. All subdivisions within the City of Kyle Extra-Territorial Jurisdiction will be designed and built at the standards set forth within Ordinance No. _____, see Exhibit A.

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

Jennifer A. Vetrano, City Secretary

R. Todd Webster, Mayor

EXHIBIT A

Sec. 41-82 - Rural Subdivision Standards

(e) *Lots*. All lots in rural subdivisions shall:

- (3) Be greater than one acre in area (see Sec. 41-136(a) for exceptions);
- (4) Have a minimum width at the front property line of 130 feet; and
- (3) Be designed so that all access is provided from a local street except access may be permitted from a major thoroughfare or street; state highway, farm to market road or ranch road; or numbered/or named county roadway if a minimum driveway centerline spacing of 200 feet is provided between driveways.

Sec. 41-136 - Lots

- (a) *Area requirements*. Within the corporate limits of the city, the required lot area, width, setback line, side yard and rear yard requirements shall be established by chapter 53, zoning, based on uses proposed by the developer. Such limited provisions of chapter 53, zoning, as to lot layout, size and setbacks are incorporated herein by reference as subdivision regulations (see chart 1). The minimum residential lot size in the city's extraterritorial jurisdiction shall be 9,600 square feet, if connected to off-site sewer. All lots to be served by a septic system shall have a lot size that is: ~~the larger of 20,000 square feet or the minimum lot size required by the county rules for on-site sewage facilities, whichever is greater,~~

(1) Greater than one acre in area;

(2) Have a minimum width at the front property line of 130 feet; and

(3) Be designed so that all access is provided from a local street except access may be permitted from a major thoroughfare or street, state highway, farm to market road, ranch road, or numbered/or named county roadway if a minimum driveway centerline spacing of 200 feet is provided between driveways;

(4) And conform to all other the county rules for on-site septic facilities.