

Red font indicates additions
Strike through indicates deletions

ORDINANCE NO. 663

AN ORDINANCE AMENDING CHAPTER 53 ZONING, ARTICLE II ZONING DISTRICTS AND REGULATIONS, DIVISION 1 GENERALLY, SECTION 53-33 CHART 2 AND CHART 3 TO AMEND THE CENTRAL BUSINESS DISTRICTS 1 AND 2 OF THE CITY OF KYLE, CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

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

SECTION 1: That Chapter 53 Zoning, Article II Zoning Districts and Regulations, Division 1 Generally, Section 53-33 Chart 2, City of Kyle Code of Ordinances (the "Code") is hereby amended as written:

CHAPTER 53 ZONING
ARTICLE II ZONING DISTRICTS AND REGULATIONS
DIVISION 1 GENERALLY
SECTION 53-33 CHART 2

Chart 2		
District	Maximum Lot Coverage	
	Main buildings (in percent)	Main building and accessory buildings (in percent)
R-1-1	35	40
R-1-2	35	45
R-1-A	40	60
R-1-T	40	60
R-1-C	40	50
R-2	40	50
R-3-1	40	50

R-3-2	40	50
R-3-2	40	50
CBD-1 and CDB-2	60 ⁽¹⁾	65 ^{(2) (1)}
CBD-2	100	100
RS	60	65
HS	60	65
W	50	60
CM	40	45
E	60	65
TU	60	65

Note—Open off-street parking and loading areas will not considered as lot coverage under this subsection.

~~(1) To preserve the history and small town ambiance of the central business district No. 2 (CBD-2) that has historically served as the downtown business area, the city council may, based on a site plan and proposed building plans that are compatible with existing buildings, waive the maximum lot coverage on a case by case basis for buildings within CBD 2.~~

~~(1) (2) Maximum lot coverage of 70 percent for the main building and for all buildings is permitted for the buildings and the on lots on which where existing buildings were located prior to the date of the ordinance from which this chapter is derived, for only the specific This only applies to buildings that existed on the date of the ordinance from which this chapter is derived, and that are within the area hereafter zoned CBD-1. or CDB-2. With this exception only, unless specifically approved by the city council as provided in note (1), the maximum lot coverage within the CBD 1 and CBD 2 districts shall be the same as in the RS districts.~~

(m) *Floor area ratio.* Except as hereinafter provided, no building or structure may be erected, added to or altered to exceed the maximum floor area ratio standards in the various zoning districts as set forth in chart 3 in this subsection. In the zoning districts listed in the chart in this subsection, the maximum floor area ratio (FAR) for any building or structure shall be as follows:

SECTION 2: That Chapter 53 Zoning, Article II Zoning Districts and Regulations, Division 1 Generally, Section 53-33 Chart 3, City of Kyle Code of Ordinances (the “Code”) is hereby amended as written:

CHAPTER 53 ZONING
ARTICLE II ZONING DISTRICTS AND REGULATIONS
DIVISION 1 GENERALLY
SECTION 53-33 CHART 3

Chart 3	
District	Building Area, Maximum Floor Area Ratio to Land Area
CBD-1 and CDB-2	1.8:1
CBD-2	2.5:1
RS	1.8:1
HS	1.8:1
W	1.5:1
CM	1.2:1
E	1.8:1
TU	1.8:1

SECTION 3: If any provision, section, subsection, 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 portion or provision.

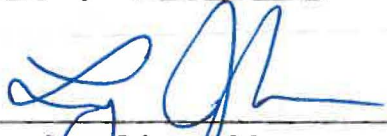
SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

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 5th day of July, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

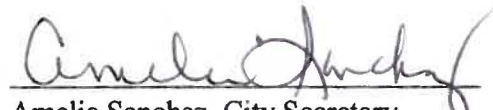
READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the 19 day of July, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this 19th day of July, 2011.



Lucy Johnson, Mayor

ATTEST:



Amelia Sanchez, City Secretary



CITY COUNCIL AGENDA

July 5, 2011

Item/Subject: Consider And Possible Action Regarding An Ordinance Amending Chapter 53 Zoning, Article II Zoning Districts And Regulations, Division 1 Generally, Section 53-33 Chart 2 And Chart 3 To Amend The Central Business Districts 1 And 2 Of The City Of Kyle, Code Of Ordinances. (Public Hearing And First Reading of Ordinance).

Initiating Dept: Planning

Commentary

INFORMATION:

This is an amendment to the Central Business District 1 and 2. The amendment tries to clear up some confusion regarding the maximum lot coverage and the zero setbacks allowed within the Central Business District 2.

Chart 2 Maximum Lot Coverage states that 60 or 65 percent maximum lot coverage is allowed which contradicts Chart 1 within the Zoning Ordinance. Chart 1 allows for the Central Business District 2 to have zero setbacks.

Chart 2 does refer to a note that states that City Council has the flexibility to waive the 60/65 percent maximum lot coverage. However there still seemed to be some confusion regarding this. Therefore city staff proceeded with a proposed revision to the ordinance.

Planning and Zoning Commission Recommendation to the City Council:

On June 28, 2011 the Planning and Zoning Commission held a public hearing at which the Planning and Zoning Commission voted 6-0 to recommend the City Council approve the variance request. The Planning and Zoning Commission also recommended to staff that another revision to the Central Business District 2 be brought back to them at their next meeting in July to allow for some type of multi-family within the CBD-2 District. The following Commissioners voted yes to recommend approval: Chairman Cale Baese, Vice Chairman John Atkins, Mike Rubsam, Jenny DiLeo, Cicely Kay, and Samantha Bellows.

Planning & Zoning Commission Public Hearing:

Lila Knight stated that she would like for the Commissioner's to consider another revision to the Central Business District 2 (CBD-2) to allow for multi-family since a multi-family project was just approved within the CBD-2 for the Barton Word Building.

Public Information Plan:

<i>June 8, 2011</i>	:	Public notice of the Planning and Zoning Commission and City Council public hearings published in the Hays Free Press.
<i>June 28, 2011:</i>		Planning and Zoning Commission public hearing and recommendation to City Council.
<i>July 5, 2011:</i>		City Council public hearing and first reading of ordinance