

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS TO AMEND THE CITY'S OFFICIAL CODE OF ORDINANCES, TO CREATE THE OFFICE-INSTITUTIONAL (O/I) ZONING CATEGORY; ESTABLISHING A PURPOSE AND FINDINGS; PRESCRIBING ALLOWABLE USES AND STRUCTURES IN THE DISTRICT; PROHIBITING CERTAIN INCOMPATIBLE LAND USES AND STRUCTURES; ESTABLISHING ALLOWANCES FOR CERTAIN ACCESSORY USES AND STRUCTURES; ESTABLISHING LOT AND BUILDING REGULATIONS; DEFINING CERTAIN CONDITIONS AND LIMITATIONS WITHIN THE DISTRICT; PRESENTING SITE DEVELOPMENT REGULATIONS; ESTABLISHING BUILDING FAÇADE, SCREENING, PARKING, AND LIGHTING REQUIREMENTS.

WHEREAS, the City of Kyle is authorized to make and enforce within its limits all ordinances and regulations as a usual and customary police power; and

WHEREAS, Kyle's City Council seeks to further its goals and strategic vision outlined in its Comprehensive Land Use Plan;

WHEREAS, the creation of this new employment and activity district is congruent with the tenants of the mid-term update of the city's Comprehensive Land Use Plan;

WHEREAS, finds it in the city's best interests to create local zoning regulations on the establishment of uses and structures on private property within the city's jurisdictional limits; and

WHEREAS, the City Council finds that existing zoning regulations for the City require greater specificity to facilitate those land uses recommended by the Comprehensive Land Use Plan, and creating a specific standard will result in more targeted land uses for the benefit of Kyle's employment providers; and

WHEREAS, the City Council finds that amending the zoning ordinance to allow and regulate additional employment and activity uses, as provided for in this ordinance, is reasonable and proper for the good of the City.

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. Enactment. Chapter 53 of the City of Kyle City Code, 'Zoning', is hereby amended to incorporate those changes indicated in the included Exhibit 'A'.

Section 3. Severability. Should any of the clauses, sentences, paragraphs and/or sections or any other parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this ordinance.

Section 4. Effective Date. Effective immediately following the publication in accordance with the City's charter.

PASSED AND APPROVED on this the ____ day of October 2017.

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

ATTEST:

The City of Kyle, Texas

Jennifer A. Vetrano, City Secretary

R. Todd Webster, Mayor

EXHIBIT 'A'

1. *Purpose & Findings.* The Office/Institutional (O/I) District is generally intended to promote consistency with the comprehensive plan, and provide opportunities for employment, convenient locations for offices and limited purpose distribution operations, and to provide locations for the development of cultural, recreational, educational and health service facilities.

2. *Permitted Primary Uses in O/I.* The following uses may be established in the O/I district:

- a. Convent & monastery
- b. Fraternity house, sorority house or residence hall
- c. Nursing home
- d. Personal care home with eight (8) or more units
- e. Child care institution
- f. Club or lodge, non-commercial
- g. Cultural exhibit hall
- h. Day care facility, child and adult
- i. College or university
- j. Research and training facility, college or university affiliated
- k. School; elementary, middle or high
- l. School, specialized non-degree
- m. School, vocational or trade
- n. Place of worship
- o. Auditorium or stadium
- p. Special events facility without lodging
- q. Banks, credit union, brokerage and investment services
- r. Cemetery, ~~or~~ mausoleum, or columbarium
- s. Funeral home
- t. Hospice care with eight (8) or more units
- u. Medical and dental office, clinic and/or laboratory
- v. Professional office – (excluding the sales of goods and sundries at retail; and excluding outdoor operations, storage, or facilities) including but not limited to health service practitioners, legal services, employment, personnel, and temporary help service (excluding day labor or labor pool), accounting, auditing and bookkeeping services, advertising services, management, consulting, and public relations offices, corporate operations, engineering and architecture, finance,

insurance, real estate and financial institutions, telecommunications, radio and television broadcasting stations, telephone business offices, urban planning services, and similar business and professional offices.

- w. Public parking structures, non-accessory to on-site uses
- x. Golf course and clubhouse
- y. Passive recreation park
- z. Recreation center – including sports fields, stadiums and arenas; pools and natatoriums; baseball and softball fields; tennis and basketball courts, indoor and outdoor; similar uses and activities.
- aa. Museum
- bb. Library
- cc. Police and fire stations (not ambulance service)
- dd. City, County, and State office and business facilities, without outdoor operations, storage, or facilities

3. *Specific uses prohibited.* The following uses are prohibited in the O/I district, both as primary and accessory uses, whether indoors or outdoors:

Ambulance service; bail bond and appearance bond operations; barter, swap, and trading offices; body craft studio; cash advance; check cashing establishments; building and construction contractor's offices; exterminating and pest control offices; lawn care offices; moving and storage companies; taxi service and dispatch agencies; trucking and transport firms; wrecker service; day labor or labor pool agencies; delivery services; driving schools; escort services; elective massage therapy, fortunetellers; handwriting analysts; hypnotists; modeling agencies; palmistry; pawnshops, including title pawn, and pawnbrokers; automotive and truck rental; and automotive dealer's office are specifically excluded. No vehicle whose gross vehicle weight rating (GVWR) of over ten thousand (10,000) pounds, including commercial tractor-trailers, dump trucks, wreckers, or earth moving equipment shall be parked, stored, or dispatched in connection with a business or professional office use conducted on the premises. No vehicle for hire shall be parked, stored, or dispatched from the site.

4. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in the O/I (Office/Institutional) District; provided, none of the following uses may operate as a stand-alone use or structure, and shall be required to function in support of an allowable primary use to be considered accessory.

- A. Restaurant, when located on the ground floor and inside the primary structure, and totaling no more than 1,500 square feet of total area (food prep, display, sales, and seating).
- B. Cafeteria
- C. Publicly-accessible parking lot and/or structure
- D. Retail use where accessory to a professional office building, provided that all such uses shall be located on the ground floor and not exceed 15 percent of the total

floor area of the building. Said accessory retail uses shall be designed and scaled in relation to the primary building. Specific uses include, but are not limited to: coffee shop; newsstand; laundry and dry-cleaning pick-up station; box office ticket sales; banks, ~~and~~ ATMs, sundries, and mail and copy centers.

- E. Retail sales of concessions and specialty goods, when located in stadiums, indoors, on the grounds of a recreation center, and totaling less than 1,000 square feet of total gross floor area.
- F. Concerts and festivals, as accessory to stadiums, arenas, auditoriums, and open space.

5. *Lot and building regulations.* This section establishes basic lot and building regulations that apply to the O/I zoning district.

- A. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that stated minimums and maximums can be achieved on every lot. Other factors, such as topography, the presence of protected resources, off-street parking and other factors may work to further limit actual building and development potential.
- B. The lot and building standards apply to all principal and accessory uses allowed in the O/I district, unless otherwise expressly stated in this zoning ordinance.
 - 1. Minimum lot size: one (1) acre
 - 2. Minimum lot width: one hundred fifty (150) feet
 - 3. Minimum building/structure setbacks:
 - Front – fifty (50) feet
 - Corner (street) – fifty (50) feet
 - Side (interior) – twenty (20) feet
 - Rear – thirty (30) feet
 - 4. Maximum lot impervious surface coverage: eighty (80) percent
 - 5. Maximum building height: fifty-five (55) feet^{1, 2}
 - 6. Maximum floor area to lot area ratio: 2.0 : 1

6. *Conditions and limitations.*

The conditions and limitations on uses in the O/I district are as follows:

- (1) The use be conducted wholly within an enclosed building, except for recreation centers and similar permitted outdoor recreation activities, parking uses, cemeteries, and special event facilities.
- (2) Required yards and outdoor areas not be used for storage, display, merchandise, equipment, containers, bulk materials/ingredients or waste materials, save and except for usual and customary screened dumpster/compactor collection areas.

(3) The use is not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused by customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.

(4) Establishments located within 300 feet of any property zoned for a residential use when the commercial use is first established may not to be open to the public before 6:00 a.m. and must be closed to the public by 10:00 p.m.

(5) Signs (advertising) must be in compliance with all applicable ordinances.

7. Site development regulations

The site development regulations on uses in the O/I district are as follows:

(1) Paved sidewalks, driveways and parking areas are required. The sidewalks, pedestrian walkways must be constructed of brick, pavers, or concrete with an exposed broom finish, and connect to the adjacent property having a common frontage.

(2) Screening of loading, storage, and trash/refuse facilities is required.

8. Building facade requirements.

All new buildings constructed within the O/I district shall comply with the following requirements:

(1) The exterior walls facing front and side streets shall be constructed of 100 percent stone, brick, masonry, stucco, masonry veneer, or similar granular product excluding doorways and windows;

(2) All roof surfaces visible from the street shall be surfaced with metal, concrete, clay tile, or minimum of 25-year dimensional shingles. Rooftop HVAC equipment shall be screened completely from view;

(3) Any variation requests to subsection (1) or (2) of this section must present actual technical drawings, and/or architectural plans and models and be approved by the planning and zoning commission;

(4) It is recommended, but not required, that improvements to existing buildings in this district comply with subsections (1) or (2) of this section; and

(5) Glare. No use or operation in an O/I district may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

9. Special screening requirements.

All construction or development of property within this district that abuts property with one- or two-family residential zoning and/or one- or two-family residential, at the time the subject property is established with O/I uses, must conform to the following special screening requirements:

- (1) Solid, continuous fencing up to eight feet in height, but not less than six feet in height; and solid landscaping of at least four feet in width.
- (2) Screening under this section shall be at least three feet in height, but no more than four feet in height in front yards, from the front setback line to the sidewalk.
- (3) Landscaping under this section shall conform to the provisions of the city's landscape and tree preservation ordinance.
- (4) All screening required by this section shall be along all common property boundaries with residential zoning.
- (5) All screening shall be constructed to maintain structural integrity against natural forces such as wind, rain, and temperature variations.
- (6) The finished side of all fences built to comply with this section shall face away from the screened property.
- (7) All screening and/or landscaping required by this section shall be in addition to all other landscaping, planting, screening, and/or setback requirements.

10. *Required minimum parking ratio.* Off-street parking requirements for uses and structures authorized and permitted in the O/I (Office/Institutional) District are as follows:

- a. Cultural facilities, funeral home, and other places of assembly: One space for each three seats in the main auditorium, or, where fixed seats are not utilized, one space for each 25 square feet of floor space in the largest assembly room utilized for seating.
- b. Child day care center and kindergarten: One space for each 200 square feet of floor area.
- c. Convent or monastery: One space for each 200 square feet of floor area within the principal structure.
- d. Fraternity and sorority house: One space for each bed.
- e. Nursing care facility, and similar institutional use: One space for each two beds.
- f. Noncommercial club or lodge: One space for each 100 square feet of floor area.
- g. Office and clinic: One space for each 250 square feet of floor area.
- h. Place of worship: One space for each three seats in the main auditorium, or, where fixed seats are not utilized, one space for each 25 square feet of floor space in the largest assembly room utilized for public worship.
- i. Public swimming pool, golf course, neighborhood recreation center, or similar use: 20 spaces except that an 18-hole golf course shall have 40 spaces.
- j. Private swimming pool, golf course, neighborhood recreation center, or similar use: One space for each five members but no less than 20 spaces except that golf courses shall provide a minimum of 20 spaces for each nine holes.
- k. School, elementary and middle: Two spaces for each classroom.
- l. School, high: Five spaces for each classroom.

- m. Schools and colleges, including vocational schools: Ten spaces for each classroom.
- n. Personal care home: 0.50 space for each employee and resident.
- o. Child care institution: 1.5 spaces for each employee.

11. *Uses noncumulative.* Uses and bulk standards within this district are reserved solely to those uses and structures expressly permitted in this district, and are not cumulative as related to other zoning districts unless so stated elsewhere.

12. *Exterior lighting.* For compliance with the city's outdoor lighting ordinance, properties zoned O/I will be considered "LZ-3: Moderately high ambient lighting".

¹ Where conditions warrant, the City Council, after receiving recommendation from the Planning & Zoning Commission, may approve via conditional use permit, ~~a maximum building height of up to one hundred fifty (150) feet~~ any height over fifty-five (55) feet.

² Where the O/I district is established next to land already zoned exclusively for one- and two-family dwelling units, or already used exclusively for one- or two-family dwelling units, in no case shall a structure on that adjacent O/I district lot exceed, in height, one-half the number of feet it is setback from that abutting property line.