

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KYLE, TEXAS; AMENDING CHAPTER 41 ("SUBDIVISIONS"), ARTICLE V; SECTION 134; AUTHORIZING THE CITY SECRETARY TO AMEND ORDINANCE 439 OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING STANDARDS TO ENCOURAGE DIVERSITY AND UTILITY OF NEIGHBORHOOD 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 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 regulatory oversight for the health, safety and welfare of the citizens in, and around the City, both inside the corporate limits and to a limited extent in the city's extraterritorial jurisdiction; and

WHEREAS, the City provides regulatory mechanisms in Chapter 41 of the City Code which manage the design of new divisions of 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 neighborhood design and construction functionality; and

WHEREAS, the City encourages diversity of neighborhoods in both design and appearance; and

WHEREAS, in order to provide greater specificity in requirements for 1- and 2-family home project aesthetics, the Mayor and City Council desire to revise said subdivision regulations; and

WHEREAS, the regulation of neighborhood design aesthetics within Kyle's extraterritorial jurisdiction 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 subdivision regulations and find that it furthers the City's intended policies and plans, and will better serve as subdivision regulations for the future of the City's regional development; and

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

SECTION 1. Ordinance 439 amended as set forth in Exhibit A; corresponding and conflicting text of any prior Ordinance will be repealed, where appropriate, by the text of this ordinance amendment.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 2nd day of January, 2018, 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 16th day of January, 2018, 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 _____, 2018.

Travis Mitchell, Mayor

ATTEST:

Jennifer Vetrano, City Secretary

EXHIBIT 'A'

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