

Chapter 32 - SITE DEVELOPMENT

ARTICLE I. - IN GENERAL

Secs. 32-1—32-18. - Reserved.

ARTICLE II. - PLAN AND PROCEDURES

DIVISION 1. - GENERALLY

Sec. 32-19. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this article. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

City means the City of Kyle, Texas.

Development plan means a scaled drawing representing an area of land to be improved/developed and indicating the legal boundary of said property and the nature and extent of all existing and proposed improvements to said project.

Lot means any lot, tract or parcel of land situated wholly or partially within the corporate limits of the City of Kyle, Texas, and, if served or to be served by the city water or wastewater system, within the extraterritorial jurisdiction of the city.

Site means any lot situated wholly or partially within the corporate limits of the City of Kyle, Texas, and, if served or to be served by the city water or wastewater system, within the extraterritorial jurisdiction of the city.

100-year Floodplain means the City's regulatory floodplain extents defined using precipitation derived using the U.S. Geological Survey Atlas of Depth-Duration Frequency of Precipitation Annual Maxima for Texas (SIR 2004-5041, Asquith) report.

(Ord. No. 374, § 1, 8-7-2001; Ord. No. 676, § 1, 11-1-2011)

Secs. 32-20—32-41. - Reserved.

DIVISION 2. - PLAN

Sec. 32-42. - Required.

A site development plan as provided for in, and meeting the requirements of, this article prior to the development or construction of any improvements on any lot that is zoned other than single-family residential or two-family residential, or that is intended for any use for any purpose or occupancy other than for single-family or two-family residential occupancy.

(Ord. No. 374, § 2, 8-7-2001; Ord. No. 676, § 2, 11-1-2011; [Ord. No. 738](#), § 2(Exh. A), 8-20-2013)

Sec. 32-43. - Purpose and applicability.

The site development plan provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city. A site development plan shall further be required for any development or improvement of land not otherwise requiring the subdivision of land within the city, as defined in the ordinances of the city.

(Ord. No. 374, § 3, 8-7-2001; Ord. No. 676, § 3, 11-1-2011; [Ord. No. 738](#), § 2(Exh. A), 8-20-2013)

Sec. 32-44. - Format.

The site development plan shall be drawn on sheets 24 inches by 36 inches at an engineering scale sufficient to thoroughly meet the informational requirements herein.

(Ord. No. 374, § 4(a), 8-7-2001; Ord. No. 676, § 4, 11-1-2011; [Ord. No. 738](#), § 2(Exh. A), 8-20-2013)

Sec. 32-45. - Content.

The site development plan shall include all of the land proposed to be developed or improved, and any off-site improvements required to accommodate the project. The site development plan shall contain, or have attached thereto:

- (1) *Cover sheet.* A cover sheet, showing the following:
 - a. Names, addresses and phone numbers of the record owner or developer, and authorized agents including the architect, engineer, landscape architect, and surveyor (those applicable).
 - b. The proposed name of the project.
 - c. A location map showing the relation of the project to streets and other prominent features in all directions for a radius of at least one mile using a scale of one inch equals 2,000 feet. The latest edition of the USGS 7.5-minute quadrangle map is recommended.
 - d. The owner's name, deed or plat reference and the property lines of any property within 200 feet of the subdivision boundaries as determined by the most recent tax rolls.
 - e. Certifications and signature blocks as required by the city.
 - f. The total acreage of the property to be developed.
 - g. Current zoning district as defined by chapter 53, pertaining to zoning.
- (2) *Existing conditions plan.* An existing conditions plan, showing the following:
 - a. Boundary of existing zoning districts, if applicable.
 - b. The existing property lines, including bearings and distances, of the land being developed or improved. Property lines shall be drawn sufficiently wide to provide easy identification.
 - c. The location of existing structures and improvements, if applicable.
 - d. Significant trees of 12-inch caliper and larger, within the limits of the proposed on-site and/or off-site improvements.

- e. Centerline of watercourses, creeks, existing drainage structures and other pertinent data shall be shown.
 - f. Lines delineating the regulatory, or best available analysis, 100-year floodplain, if applicable.
 - g. Topographic data indicating one-foot contour intervals. The contoured area shall extend outward from the property boundary for a distance equal to 25 percent of the distance across the tract, but not fewer than 50 feet nor more than 200 feet.
 - h. The locations, sizes and descriptions of all existing utilities, including but not limited to sewer lines, lift stations, sewer and storm sewer manholes, water lines, water storage tanks, and wells within the property, and/or adjacent thereto. Existing overhead and underground electric utilities shall also be shown.
 - i. The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements, building setbacks or other public rights-of-way within the property, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The existing right-of-way width of any boundary street to the property shall also be shown.
 - j. Location of city limit lines and/or outer border of the city's extraterritorial jurisdiction, as depicted on the city's most recent base map, if either traverses the subdivision or is contiguous to the subdivision boundary.
- (3) *Erosion and sedimentation control plan.* An erosion and sedimentation control plan, showing the following:
- a. Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.
 - b. Existing and proposed topographic conditions with vertical intervals not greater than one foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.
 - c. The location, size, and character of all temporary and permanent erosion and sediment controls with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction. Specifications should include a provision for the use of mulch tubes in place of wire silt fencing in areas deemed by city engineer to be high runoff or environmentally sensitive. This provision will not require the exclusive use of mulch tubes as an erosion control measure within the site area.
 - d. Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.
 - e. A plan for restoration for the mitigation of erosion in all areas disturbed during construction.
 - f. All temporary and permanent erosion and sedimentation controls within the city shall be designed in accordance with the Austin Drainage Criteria Manual, as amended.
- (4) *Site plan.* A site plan, showing all visible improvements to the land, including the following:
- a. The location, dimensions, square footage, height, and intended use of existing and proposed buildings on the site.
 - b. The final site plan showing the limits of the regulatory 100-year floodplain shall contain the following note:

No fences, structures, storage or fill shall be placed within the limits of the 100-year floodplain.
 - c. The final site plan shall establish minimum finished floor elevations for all lots a minimum of two feet above the regulatory 100-year floodplain or above the 500-year, whichever is

greater. The establishment of minimum finished floor elevations is required except when proof is presented that the lots are two feet above the nearest 100-year floodplain.

- d. The final site plan shall contain a statement by an engineer certifying the slab elevations are in compliance with this chapter.
- e. The location, number and dimensions of existing and proposed parking spaces, distinguishing between standard, handicap and van handicap spaces, and calculation of applicable minimum requirements.
- f. The location, type and dimensions of proposed driveways, signs and traffic control devices.

(5) *Grading and drainage plan.* A grading and drainage plan, showing the following:

- a. A drainage area map delineating areas to be served by proposed drainage improvements.
- b. Detailed design of all drainage facilities, including typical channel or paving section, storm sewers, detention ponds and other stormwater control facilities.
- c. Accurate cross sections, plan and profiles of every drainage improvement proposed in a public utility easement and/or public right-of-way.
- d. Existing and proposed topographic conditions with vertical intervals not greater than one foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.
- e. Attendant documents containing design computations in accordance with chapter 41, pertaining to subdivision regulations, and this article, and any additional information required to evaluate the proposed drainage improvements.
- f. The City of Austin Drainage Criteria Manual, as amended, (hereinafter the "manual") is hereby adopted, save and except the following:
 - 1. Preface;
 - 2. Paragraphs 1.2.4.E.2 and 1.2.4.E.11;
 - 3. Paragraphs 1.2.7;
 - 4. Paragraphs 1.4.0;
 - 5. Paragraphs 1.5.0.3, 1.5.0.4, 1.5.0.5 and 1.5.0.6;
 - 6. Paragraphs 8.2;
 - 7. Appendix D; and
 - 8. All references to the City of Austin, including its departments, boards or divisions shall be the same departments, boards or divisions within the City of Kyle. Where such departments, boards or divisions do not exist within the city, such references shall be construed to mean the city engineer or other representative authorized by the city council to perform such functions for the city.
- g. All drainage systems and improvements shall conform with the provisions and requirements of the manual and good engineering practices.
- h. The site grading plan shall show and include the existing ground elevations and finish construction grades, including existing ground elevations for a minimum of 100 feet onto adjoining property, width of existing street right-of-way and existing pavement width.

(6) *Utility plan.* A utility plan, showing the following:

- a. The layout, size and specific location of proposed water mains and other related structures and in accordance with all current city standards, specifications, and criteria for construction of water mains.
- b. The location of proposed fire hydrants, valves, meters and other pipe fittings.

- c. Design details showing the connection with the existing city water system.
 - d. The layout, size and specific location of the proposed wastewater lines, lift stations, and other related structures, and in accordance with all current city standards, specifications, and criteria for construction of wastewater systems.
 - e. Plan and profile drawings for each line in public right-of-way or public utility easements, showing existing ground level elevation at centerline of pipe, pipe size and flow line elevation at all bends, drops, turns, station numbers at 50-foot intervals.
 - f. Detailed design for lift stations, special wastewater appurtenances, if applicable.
 - g. Utility demand data, and other attendant documents, to evaluate the adequacy of proposed utility improvements, and the demand on existing city utilities.
- (7) *Landscape plan.* A landscape plan, showing compliance with all ordinances requiring landscaping and including the following maintenance note: The developer and subsequent owners of the landscaped property, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of chapter 41, pertaining to subdivision regulations.
- (8) Construction details. Construction details, showing (when applicable) the following:
- a. Structural retaining walls and/or detention outlet structures.
 - b. Storm sewer manhole and covers, typical channel sections, inlets, safety end treatments and headwalls.
 - c. Wastewater manholes and covers, cleanouts, grease traps, pipe bedding and backfill.
 - d. Water valves, water meters, fire hydrants, thrust blocks, backflow prevention and concrete encasement.
 - e. Driveways, curbs and gutters, sidewalks, curb ramps, pavement sections and pavement repair.
 - f. Silt fence, rock berm, stabilized construction entrance, inlet protection.
 - g. Traffic controls when working in public right-of-way.

(Ord. No. 374, § 4(b), 8-7-2001; Ord. No. 676, § 4, 11-1-2011; [Ord. No. 738](#), § 2(Exh. A), 8-20-2013)

Sec. 32-46. - Procedure.

A site development plan, for the development or improvement of land not otherwise subject to the subdivision of land, shall be submitted to the planning department for approval by the planning director, city engineer, and director of public works.

- (1) A site development plan may be submitted to the city at any time prior to the issuance of a building permit, subject to the provisions of this article, and along with the following:
 - a. Completed application forms and the payment of all applicable fees.
 - b. A letter requesting any variances from the provisions of this article.
 - c. Any attendant documents needed to supplement the information provided on the site development plan.

- (2) The city staff shall review all site development plan submittals for completeness at the time of application. If, in the judgment of city staff, the site development plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.
- (3) City staff shall review the plan for consistency with city codes, policies and plans.
- (4) It shall be the right of the applicant seeking site development plan approval, to appeal a decision of the city staff, for any reason whatsoever, to the planning and zoning commission and have a final decision rendered by the planning and zoning commission.
- (5) A site development plan may be rejected at any time subsequent to submittal and prior to final written approval for failure to meet the minimum informational requirements of this article.

(Ord. No. 374, § 4(c), 8-7-2001; Ord. No. 676, § 4, 11-1-2011; [Ord. No. 738](#), § 2(Exh. A), 8-20-2013)

Sec. 32-47. - Notification.

Notification shall be as follows for site development applications requesting variances or appeals of city staff decision:

- (1) All owners of property (as determined by the most recent tax rolls from the county appraisal district), any part of which is located within 200 feet of the perimeter of the land to be developed, shall be notified by mail.

The city shall:

- (2) Post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed 300 feet between said corners;
- (3) Publish a public notice at least once in a newspaper of general circulation in the city not fewer than 15 days nor more than 30 days prior to said public hearing; and
- (4) Mail public notification forms, postmarked no fewer than 15 days prior to the appropriate planning and zoning commission hearing, shall be mailed to the owners of all property, any part of which is located within 200 feet of the perimeter of the property included within the site development plan.

(Ord. No. 374, § 4(d), 8-7-2001; Ord. No. 676, § 4, 11-1-2011; [Ord. No. 738](#), § 2(Exh. A), 8-20-2013)

Sec. 32-48. - Reserved.

Editor's note— [Ord. No. 738](#), § 2(Exh. A) adopted Aug. 20, 2013, repealed § 32-48, which pertained to approval and derived from Ord. No. 374, § 4(e), adopted Aug. 7, 2001; Ord. No. 676, § 4, adopted Nov. 1, 2011.

Sec. 32-49. - Expiration.

Under no circumstance may the expiration date be earlier than September 1, 2010. After that date, a permit or development project approval shall lapse and become void no earlier than two years for an individual permit after the date the first permit application was filed and no earlier than five years for a development project after the date the first permit application for the development project was filed, unless a longer time shall be specifically established by the city as a condition of approval, or unless, prior

to the expiration, a building permit is issued and construction is commenced and diligently pursued toward completion.

(Ord. No. 374, § 4(f), 8-7-2001; Ord. No. 676, § 4, 11-1-2011; [Ord. No. 738](#), § 2(Exh. A), 8-20-2013; [Ord. No. 823](#), § 3, 10-21-2014)

Sec. 32-49.1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this article.

City means the City of Kyle, Texas.

Commended and diligently pursued toward completion means a developer has established that it has made progress toward completion of a development project by engaging in one or more of the following avenues:

- (1) Submission of an application for a final plat or plan;
- (2) A good faith attempt to file a permit application necessary to begin or continue toward completion of the project;
- (3) The incursion of costs in developing the project (exclusive of land acquisition) that equal five percent of the most recent appraised market value of the real property in which the project is located;
- (4) The posting of a bond with the city to ensure performance of an obligation that the city requires; or
- (5) Payment of utility connection fees or impact fees.

Development means and begins when a developer makes application for a single permit.

Permit or *permits* means any of the following: a site development plan; a license; a certificate; approval by the city staff; registration; consent by the city staff; permit; contract or other agreement for construction related to, or provision of, service from a water or wastewater utility agency owned, operated, or controlled by a regulatory agency; or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

Person means any human being or legal entity and includes a corporation, partnership, and an incorporated or unincorporated association.

Project or *development project* means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

Regulations means whatever regulations are in place at the point a developer makes application for a single permit and govern through the rest of the development or project and include the provisions of any applicable ordinance, rule, regulation or policy and shall not include any intervening regulations between the time of a developer's application for a project's first permit and progress or completion of the project.

([Ord. No. 823](#), § 3, 10-21-2014)

Sec. 32-49.2. - Inception.

The expiration periods set forth in section 32-49 begin to run at the time a person:

- (1) Files either a preliminary or a final site development plan with the city;
- (2) Obtains one or more permits from the city;
- (3) Applies for a single permit;
- (4) Holds a building permit that is not older than two years;
- (5) Files an application that gives the city fair notice of the person's development project and the nature of the permit sought;
- (6) Exhibits progress toward completion of the project, including (1) submission of an application for a final plat or plan; (2) a good faith attempt to file a permit application necessary to begin or continue toward completion of the project; (3) the incursion of costs in developing the project (exclusive of land acquisition) that equal five percent of the most recent appraised market value of the real property in which the project is located;
- (7) Posts a bond with the city to ensure performance of an obligation that the city requires; or
- (8) Makes payment of utility connection fees or impact fees.

([Ord. No. 823](#), § 3, 10-21-2014)

Sec. 32-49.3. - Exempted regulations.

The expiration periods of section 32-49 as set forth herein do not apply to or otherwise govern the following regulations, and the vesting provisions of V.T.C.A., Local Government Code ch. 245 are not applicable:

- (1) Building permits that are at least two years old;
- (2) Zoning regulations that do not affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by restrictive covenants required by the city;
- (3) Regulations that specifically control only the use of the land and that do not affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage or building size;
- (4) Regulations for sexually oriented businesses;
- (5) City or county regulations affecting colonias;
- (6) Fees imposed in conjunction with development permits;
- (7) Regulations for annexation that do not affect landscaping or tree preservation or open space or park dedication;
- (8) Regulations for utility connections;
- (9) Flood control regulations;
- (10) Construction standards for public works located on public lands or easements; or
- (11) Regulations to prevent the imminent destruction of property or injury to persons that do not affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size, residential or commercial density, or the timing of a project, or that do not change development permitted by restrictive covenant required by the municipality.

([Ord. No. 823](#), § 3, 10-21-2014)

Sec. 32-49.4. - Other.

- (a) *Series of permits.* If a series of permits is required for a project, the regulations in place at the time of the original application for the permit in the series must be the sole basis for consideration of all subsequent permits required for completion of the project.
- (b) *Timing of permit application.* The city shall consider a permit application solely on the basis of the regulations that were in effect at the time the original application for a permit was filed for any purpose, including review for administrative purposes, or a plan for development of real property or plat application was filed with the city. After the application for a project is filed, the city may not shorten the duration of any permit required for the project.
- (c) *Run with the land.* A permit approval shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.
- (d) *Dormant projects.* Notwithstanding section 32-49.2 stated herein, the city may impose an expiration date on dormant projects if it can show that no progress has been made toward completion of a project. Evidence that indicates a project is dormant and that no progress has been made toward completion of a project consists of facts or circumstances that a developer has not performed or otherwise acted upon any of the actions listed under section 32-49.2. The city council may decide by majority vote that a project is dormant upon evidence indicating such and determine that the expiration date required under section 32-49 herein is no longer valid or in effect.
- (e) *Expiration of permit application.* A permit application expires after 45 days if the permit applicant fails to provide the necessary information required by the application and the city provides the applicant with notice within ten days after the filing of the application. Notice shall be considered adequate if sent to the applicant by certified mail, return receipt requested, at the applicant's last known address provided by the applicant.

([Ord. No. 823](#), § 3, 10-21-2014)

Sec. 32-50. - Revision.

If a revision to the approved site development plan becomes necessary, whether requested by the city, planning and zoning commission or developer, then the site development plan shall be resubmitted and approved by city staff for compliance with this article.

(Ord. No. 374, § 4(g), 8-7-2001; Ord. No. 676, § 4, 11-1-2011; [Ord. No. 738](#), § 2(Exh. A), 8-20-2013)

Sec. 32-51. - Extension.

Site development plan approval subject to lapse may be extended if the developer submits a written request for extension and continuance of the plan as approved by the city prior to expiration. Approval of any such extension request shall be automatic one time only for a period of 12 months.

(Ord. No. 374, § 4(h), 8-7-2001; Ord. No. 676, § 4, 11-1-2011; [Ord. No. 738](#), § 2(Exh. A), 8-20-2013)