

ORDINANCE NO. 990

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING SEC. 41-1 “DEFINITIONS” AND SEC. 41-4 “APPLICATION AND ADMINISTRATION”, OF CHAPTER 41 “SUBDIVISIONS”, OF THE CITY OF KYLE CODE OF ORDINANCES, BY ADDING NEW DEFINITIONS, AMENDING CERTAIN OTHER DEFINITIONS, AND AMENDING THE CHAPTER’S APPLICABILITY AND ADMINISTRATION, AUTHORIZING THE CITY SECRETARY TO AMEND THE AFOREMENTIONED SECTION SO AS TO REFLECT THIS CHANGE; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED AS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

**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 its jurisdiction; and

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

**WHEREAS**, the City of Kyle is adding specificity to its standards for development both inside its corporate limits and in its Extra-Territorial Jurisdiction; and

**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 City Code, Chapter 41, Sections 41-1 and 41-4 are hereby modified and amended to read as set forth in Exhibit A.

**Section 3. Conflicting Ordinances.** Ord. No. 439 is hereby amended by modifying and the definitions and applicability requirements for subdivisions in the City of Kyle corporate limits and Extra-Territorial Jurisdiction to the extent of any conflict with Exhibit A.

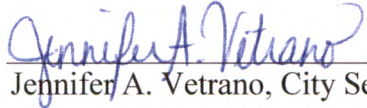
**Section 4. Conditions of Ordinance No. 439.** All development initiated from the amended Ord. No. 439, passed and approved date and from here on out, will comply with Ord. No. 439 as amended.

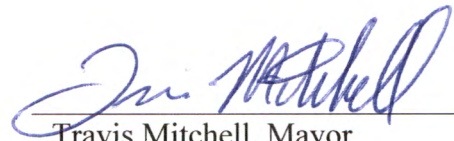
**Section 5. Standards.** All subdivisions within the corporate limits and City of Kyle Extra-Territorial Jurisdiction will be designed and built at the standards set forth within Ordinance No. 439, see Exhibit A and all application local, state, and federal regulations.

**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 6th day of March, 2018.**

**FINALLY PASSED AND APPROVED on this the 20th day of March, 2018.**

  
Jennifer A. Vetrano, City Secretary

  
Travis Mitchell, Mayor

## EXHIBIT A

### Sec. 41-1 Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Abutting* means adjacent; joining at a boundary.

*Administrator* means the city engineer, director of public works or other person designated by the city to administer the regulations and provisions of this chapter.

*Alley* means a minor public right-of-way that is primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

*Block* means a unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity to development.

*Building setback line* means a line beyond which building foundations or any building extension other than roof overhang not exceeding 18 inches must be set back from the property line.

*Crosswalkway* means a public right-of-way, between property lines, for pedestrian circulation.

*Cul-de-sac* means a local street with only one street outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

*Dead-end street* means a portion of a street or a road with only one street or road outlet.

*Developer. See Subdivider.*

*Double fronting lot* means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

*Easement* means a grant of one or more of the property rights by the property owner to and/or for the use by the public, corporation or another person or entity.

*Easement, avigation*, means an air-rights easement, which protects air lanes around airports.

*Easement, drainage*, means an easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

*Engineer* means a person authorized under the Texas Engineering Registration Act to practice the profession of engineering.

*Flood* means a general and temporary condition as partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

*Flood protection elevation, regulatory.* See the flood hazard area regulations in chapter 17, article II.

*Homeowners' association* means a community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

*Interior lot* means a lot other than a corner lot.

*Lot* means an undivided tract or parcel of land, identified by a number or symbol and designated as a distinct and separate tract on a fully approved subdivision plat properly filed of record.

*Lot area* means the total area within the lot lines of the lot excluding any street rights-of-way.

*Lot combination* means the assembly or joinder of two or more separate platted lots, or any portion thereof, situated within the corporate limits of the city or within its extraterritorial jurisdiction, into a new configuration of lot(s) not exceeding the original number.

*Lot corner* means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

*Lot depth* means the distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth should be measured by drawing lines from the front to the rear lot lines, at right angles to the front lot line every ten feet, and averaging the length of these lines.

*Lot line* means a line of record bounding a lot, which divides one lot from another lot or from a public or private street or any other public space.

*Major subdivision* means any subdivision not classified as a minor subdivision.

*Manufactured home* means a HUD-Code manufactured home as defined in Section 1201.003(12), Texas Occupations Code, as amended from time to time.

*Manufactured home park* means a unified development of two or more manufactured home spaces for rent or lease arranged on a tract of land.

*Master development plan* means a graphic representation and narrative description of a large area of land intended for eventual development in

phases. The plan may involve a single parcel or a number of contiguous parcels. It should show proposed land use, street classification, parks and open space, major public facility sites, floodplains and waterways, major drainage and utility improvements, and other features deemed necessary or appropriate by the administrator to depict critical on-site and off-site relationships that coordinate the development with the community's overall plan and adjoining undertakings.

*Minor plat* means a proposed plat with four or fewer lots, with said lot or lots fronting on an existing street, and not requiring the creation of any new street or the extension of municipal facilities.

*Mobile Home* means a pre-fabricated structure designed for use as a dwelling, utilizing a permanent frame, built off-site at a manufacturing facility, and transported in one or more sections on a permanent chassis to a final destination, and established with or without a permanent foundation. Commonly referred to as 'on-frame manufactured housing', these structures are built to a building code administered by the Federal Government's Department of Housing and Urban Development (HUD).

*Mobile home park* means a unified development of two or more mobile home spaces for rent or lease arranged on a tract of land.

*Modular Home* means a structure designed as a dwelling, constructed in multiple sections off-site without any structural frame, transported to a permanent location where it is assembled on-site into a single building on a traditional foundation. Commonly referred to as 'off-frame manufactured housing', these structures are built to the International Code Council's Residential Building Code.

*Off-frame construction* means a pre-fabricated structure that is transported to a site, fully assembled or in individual components, which does not utilize the structural components used for its transportation in its final assembly on site.

*On-frame construction* means a structure whose componentry incorporates a structural, load-bearing frame or similar supporting materials used both in the transport of the pre-fabricated structure to its final location, and permanent incorporation in the structure once established.

*Owner.* See *Subdivider*.

*Parkway* means that portion of the right-of-way between the curb and the right-of-way line.

*Person* means any individual, association, firm, corporation, governmental agency, political subdivision or other legal entity.

*Plan, comprehensive,* means the comprehensive plan of the city and adjoining areas adopted by the planning and zoning commission and approved by the council, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation

routes, public and private buildings, streets, parks, and other public and private developments and improvements, to include detailed plans for water, sewer, etc.

*Plan, concept*, means a rough concept map of a proposed subdivision with sufficient accuracy to be used for the purpose of discussion, classification, and comment.

*Plan or plat package* means and includes all drawings, instruments, written specifications, reports, test results, covenants, and other similar items required in this chapter.

*Plan, preliminary*, means a preliminary plan indicating the proposed layout of a subdivision that is submitted to the review authority for consideration and preliminary approval.

*Planned development* means a development provided for by chapter 53, pertaining to zoning wherein certain yards, areas and related standards may be varied and a variety of land uses associated on a tract, the plan of which is subject to approval by the planning and zoning commission and council.

*Planning and zoning commission* means the duly designated planning commission of the city acting as the planning and zoning commission having responsibilities as delegated by the city council including, but not limited to, land use review concerning comprehensive planning, zoning, and subdivision of land.

*Plat* means a map representing a tract of land, showing the boundaries and location of individual properties and streets.

*Plat drawing* means a drawing or drawings depicting the proposed subdivision layout itself, along with associated certifications, dedications and related notations.

*Plat, final*, means the final map of all or a portion of a subdivision, which is presented to the proper review authority for final approval.

*Predesign conference* means a conference between a developer and the city planning staff, held prior to application for approval of a plat, for the purposes of exchanging information and identifying potential problems with a proposed development.

*Replatting* means the alteration of any part or all of any lot, block or tract of a previously platted subdivision.

*Residential lane* means a street which, by its design, discourages through traffic and which may afford the only vehicular access to lots abutting thereon, which lots shall be restricted to residential use as set forth for only certain zoning districts in chapter 53, as amended, pertaining to zoning.

*Site built* means the construction of a structure from individual materials, occurring at the structure's final location, as opposed to pre-manufactured

modules or sections that are affixed to one another at the final location, or a finished structure being transported and installed at a final location.

*Staff* or *city staff* means the employees, and the professionals providing services to the city, authorized or permitted by the council to undertake any duty or to provide any review, work or service contemplated by the terms of this chapter to be undertaken by city personnel.

*Street* means a public right-of-way, however designated, which serves one or more of the following purposes:

- (1) *Major thoroughfare, arterial street* or *expressway*. A major thoroughfare, arterial street or expressway primarily provides vehicular circulation to various sections of the city.
- (2) *Collector street*. A collector street primarily provides circulation within neighborhoods, to carry traffic from local streets to arterial or major thoroughfare streets, or to carry traffic through or adjacent to commercial or industrial areas.
- (3) *Marginal access*. A marginal access or frontage street is a street, which is parallel to and adjacent to an arterial street and primarily provides access to properties abutting these types of streets.
- (4) *Local street*. A local street is a street designed primarily for access to abutting residential property. A local street does not include roadways that carry through traffic, but will generally be intersected frequently by collector streets.

*Street width* means that distance from back of curb to back of curb.

*Subdivider* means any person, or agent thereof, dividing or proposing to divide land so as to constitute a subdivision, as defined herein. The term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be divided.

*Subdivision* means a division, a redivision, or combination of any tract of land, situated within the corporate limits of the city or within its extraterritorial jurisdiction, into one or more lots, sites, tracts, parcels, and/or parts for the purpose of development, laying out any addition to the city, or for laying out suburban lots or building lots, or any lots, and streets, alley, access easements, public utility easements, or parks or other portions intended for public use or the use of purchasers, renters, leasees, occupants, persons, entities, or owners of lots fronting thereon or adjacent thereto. The term "subdivision" does not include divisions of land in parcels of five acres or more, unless any such division of five acres or more includes the planning or development of a new street or access easement, or public utility easement.

*Surveyor* means a registered professional land surveyor authorized by state statute to practice the profession of surveying.

*Utility easement* means an interest in land granted to the city, the public generally or to a private corporation, for installing and maintaining utilities across, over or under private land.

(b) Words and terms not expressly defined herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

#### Sec. 41-4. - Application and administration.

(a) The provisions of this Ordinance, including design standards and improvement requirements, shall, except as specifically provided otherwise in this Ordinance, apply to all subdivisions of land within the jurisdiction of the City, including but not limited to the following forms of land subdivision and development activity:

- (1) The division of land into two (2) or more tracts, lots, sites, parts, or parcels, any part of which shall contain less than five (5) acres in area when subdivided,
- (2) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which when subdivided shall contain five (5) acres or more in area and will require the dedication or conveyance of any access, public right-of-way, easement, or any public improvement;
- (3) Land previously subdivided or platted into tracts, lots, sites or parcels, which subdivision was subject to, but not in accordance with, City or County Ordinances in effect at the time of such subdividing or platting;
- (4) The combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one (1) or more legal lots;
- (5) The platting of any existing legal deed-divided unplatted lot, parcel, site or tract;
- (6) The voluntary platting and recording of a subdivision plat dividing any land within the jurisdiction of the City into lots, parcels, sites or tracts, or
- (7) Any plat having received approval from the Commission or the Council for which said approval has expired.
- (8) The dedication of any street or alley through any tract of land, regardless of the area involved.
- (9) The construction or proposed construction of a building or structure across a property line.



- (b) This chapter shall be applied to and govern all applications for subdivision approval made after the effective date of the ordinance from which this chapter is derived.
- (c) This chapter shall be applied and administered in coordination with all other applicable ordinances, codes, development and standards and regulations. The provisions hereof shall also be applied and administered in conjunction with the adopted comprehensive plan, the adopted water and sewer plan and all other such official plans.