

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE CITY OF KYLE CODE OF ORDINANCES; AMENDING CHAPTER 29, “SIGN STANDARDS AND PERMITS”, TO AMEND THE DEFINITION OF BILLBOARD; AMENDING PROVISIONS RELATED TO PROHIBITED SIGNS; ESTABLISHING MAXIMUM SIZE AND HEIGHT OF SIGNS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

Whereas, Chapter 216 of the Texas Local Government Code provides for the municipal regulation of signage;

Whereas, Section 216.901, Texas Government Code, authorizes a home rule city to prohibit billboards;

Whereas, the City Council of the City of Kyle, Texas, a Texas home rule city, has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City; and to achieve the City’s economic development goals, that the Code of Ordinances provisions relative to the regulation of signs be amended relative to the maximum size and height of signs and billboards;

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 a part hereof for all purposes as findings of fact.

Section 2. Definitions. The definition of “billboard” set forth in Section 29-4 of the City of Kyle Code of Ordinances (the “Code”) is hereby amended to read as follows:

Billboard. A sign that is defined by industry standards as a billboard, including changeable electronic variable messaging signs, and in the absence of an industry standard definition, billboard shall mean a sign having a height greater than twelve (12) feet and a surface area greater than three hundred seventy-eight square feet.

Section 3. Prohibited Signs.

(a) The first paragraph of Section 29-9 of the Code is hereby amended in its entirety to read as follows, and the subsections of Section 29-9 shall remain in full force and effect:

Sec. 29-9. Prohibited Signs.

The following signs are prohibited from installation, construction, repair, alteration, location or relocation within the city, except as otherwise specifically permitted in this chapter or by agreement approved by the City Council only during the term of the agreement:

(b) Section 29-9 of the Code is hereby amended to add subsection 12

(12) Signs with a surface area that exceeds the lesser of (a) the maximum size established for the category or definition that applies to the sign or 160 square feet; or (b) the maximum height established for the category or definition that applies to the sign or 12 feet.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, as required by law and shall become effective after publication as provided by law.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance, Chapter 29 of the Code, or any other sign regulations of the City, as amended (the "Sign Regulations"), are severable and, if any phrase, sentence, paragraph or section of the Sign Regulations should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Sign Regulations, since the same would have been enacted by the City Council without the incorporation in the Sign Regulations of any such invalid phrase, clause, sentence, paragraph or section. If any provision of the Sign Regulations shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of the Sign Regulations which can be given effect without the invalid provision, and to this end the provisions of the Sign Regulations are declared to be severable.

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, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED on this _____ day of _____, 2021.

FINALLY PASSED AND APPROVED on this _____ day of _____, 2021.

ATTEST:

THE CITY OF KYLE, TEXAS

Jennifer Holm, City Secretary

Travis Mitchell, Mayor

