

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF MODIFYING SECTION 53-5 – DEFINITIONS, SECTION 53-443 – PERMITTED USES AND SECTION 54-5 – LANDSCAPING REQUIREMENTS (NOTE 1); AUTHORIZING THE CITY SECRETARY TO AMEND THE CITY OF KYLE CODE OF ORDINANCES SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Sections 53-5, 53-443 and 54-5 (Note 1) of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to modify definitions and building allowances in the CBD-2 zoning district, as shown on the code section labeled Exhibit A.

SECTION 2. That the City Secretary is hereby authorized and directed to amend Sections 53-5, 53-443 and 54-1 (Note 1) in the Code of Ordinances of the City of Kyle, as shown 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 portions 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 publication.

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 _____ day of _____, 2021, 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 _____ day of _____, 2021, 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 _____, 2021.

ATTEST:

Jennifer Holm, City Secretary

Travis Mitchell, Mayor

Exhibit A

Sec. 53-5. - Definitions.

Building acre means the area within the total subdivision boundary upon which living unit equivalents (LUEs) can be built and is calculated by subtracting from the total area of the subdivision the sum total of floodplain area, park area, hike and bike trail area and street right-of-way area (i.e., buildable acre equals total acres of subdivision less sum total of floodplain area, park area, hike and bike trail area and right-of-way area). For clarification purposes, this is net density (gross acreage minus streets, parks, hike and bike trails, floodplain, detention, etc.).

Multi-family residential, restricted means multiple-family residences, containing ten or fewer dwelling units which are located above the first floor of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor.

Townhouse means a structure on an individual lot, which is one of a series of four or more dwelling units designed for single-family occupancy, which dwelling units are structurally connected, immediately adjacent to and abutting each other between individual dwelling units. A condominium apartment (as defined in V.T.C.A., Property Code ch. 82) in a condominium structure may be considered a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses shall be considered a townhouse project.

Sec. 53-443. - Permitted uses.

(a) The CBD-2 central business district 2 is less restrictive than CBD-1 and principally addresses development in the original town and central area of the city, allowing a mix of uses including, office, restricted commercial, restricted multi-family residential and residential uses. Each multi-family dwelling unit shall be required to have a minimum of five hundred (500) square feet of living area.

(b) The uses permitted in the CBD-2 central business district 2 shall be as provided in [section 53-1230](#).

(c) 1 multi-family dwelling unit is allowed on the ground floor. The dwelling unit will be located at the rear of the building.

Sec. 54-5. - Landscaping requirements

A minimum percentage of the total lot area shall be devoted to landscape development in accordance with the following schedule:

Zoning and/or Proposed Land Use	Percentage
R-1-T, R-1-C, R-3-1, R-3-2, R-3-3, CBD-1	15
R-1-1, R-1-2, R-1-A, R-2, M-1, M-2, M-3	Note 1

CBD-2, RS, E, TU (SIC code 48811900 only), CC, RV	10
W, CM	15
PUD	Note 2
Agricultural, E	None
Private and public park/public area	20

Note 1—Minimum landscape requirements for each lot on which a single-family, duplex, triplex or fourplex dwelling, or a manufactured home, is constructed or installed after the date of the ordinance from which this chapter is derived shall be a minimum of six two-gallon shrubs and lawn grass from the front property line to the front two corners of the structure all plants shall be of native and adapted species and drought resistant. A total of two, two-inch trees are required to be planted per residential lot. Front yards with limited room for planting, may plant one tree in the rear yard. The remaining tree may be planted in the front yard, in the public ROW or access easement (street tree). Residential structures on reverse frontage lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public rights-of-way.