

ORDINANCE NO. 1196

**AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF MODIFIYING SECTION 53-1230 TO RESTRICT CERTAIN USES ; 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 53-1230 of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended as shown on the code section labeled Exhibit 1.

**SECTION 2.** That the City Secretary is hereby authorized and directed to amend Sections 53-1230 in the Code of Ordinances of the City of Kyle, as shown in Exhibit 1 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.

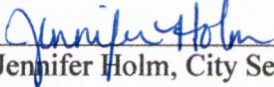
**SECTION 5.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

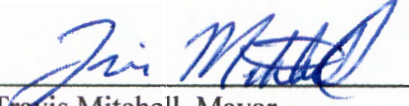
**READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING** by the City Council of Kyle at a regular meeting on the 15<sup>th</sup> day of February, 2022, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

**READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING** by the City Council of Kyle at a regular meeting on the 3<sup>rd</sup> day of May, 2022, 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 3<sup>rd</sup> day of May, 2022.

ATTEST:

  
\_\_\_\_\_  
Jennifer Holm, City Secretary

  
\_\_\_\_\_  
Travis Mitchell, Mayor

## **Exhibit 1**

### **Sec. 53-1230. - Uses permitted in certain districts.**

The following uses are restricted if otherwise allowed by zoning:

- *Fuel station.* Shall not be authorized within a .5-mile radius of a pre-existing fuel station (per parcel boundary). Radii will not overlap, requiring at least 1-mile between fuel stations\*
- *Automobile Wash.* Shall not be authorized within .75-mile radius of a pre-existing automobile wash (per parcel boundary). Radii will not overlap, requiring at least 1.5 miles between automobile wash facilities.
- *Mini-Warehouse/Self Storage.* Shall not be authorized within a 1-mile radius of a pre-existing mini-warehouse or self-storage facility (per parcel boundary). Radii will not overlap, requiring at least 2-miles between mini-warehouse/self-storage facilities.

\*A fuel station may be approved that is less than a .5-mile radius of a pre-existing fuel station, if:

- Residential development within an area adds an estimated additional 5,000 residents, from date of creation of ordinance restricting fuel stations.