

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF AMENDING THE PLUM CREEK PLANNED UNIT DEVELOPMENT, EMPLOYMENT DISTRICT (CH. 53, EXHIBIT A. – PLUM CREEK PLANNED UNIT DEVELOPMENT, ART. II., PART C. – PUD DISTRICTS; REGULATIONS & PERFORMANCE STANDARDS, SEC. 9 – “EMP” EMPLOYMENT PUD DISTRICT IN HAYS COUNTY, TEXAS; 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.**

**Whereas**, the Planning & Zoning Commission held a public hearing on the proposed amendments and forwarded its recommendation on the amendments to the City Council; and

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

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

**SECTION 1.** That the zoning code of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to amend Chapter 53, Exhibit A. – Plum Creek Planned Unit Development, Art. II., Part C. – PUD Districts; Regulations & Performance Standards, Sec. 9 – “EMP” Employment PUD District in its entirety to read as set forth in ‘Exhibit A’.

**SECTION 2. Addition of Definitions.** Chapter 53, Exhibit A, Article I, Section 4, of the City of Kyle Code of Ordinances is hereby amended to add a definition for “logistics center” and to amend the definitions of “warehouse” to read as follows:

*Logistic center* means a building used or intended to be used for freight forwarding companies or logistic companies to store and distribute third party products to a retail outlets or directly to retail customers. Logistic centers do not have any direct on-site retail or wholesale sales interaction facilities or space.

*Warehouse* means an establishment engaged in the storage of merchandise or commodities in an enclosed structure and that is not a logistic center.

**SECTION 3.** That the City Secretary is hereby authorized and directed to designate the amendment to the Plum Creek "EMP" zoning district of the City of Kyle, as shown in 'Exhibit A' and by proper endorsement indicate the authority for said notation.

**SECTION 4.** 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 5.** 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 6.** 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 \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

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

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

## **Exhibit A**

### **Sec. 9. - "EMP" employment PUD district**

- (A) *Purpose.* This area is intended to provide a place to locate commercial businesses, services, and industries compatible with adjacent residential areas for the convenience of nearby residents and the greater community at large. The use of an EMP area within a proposed mixed use development is intended to be compatible with the residential pattern of the development and not create unreasonable traffic or land use conflicts.
- (B) *Permitted uses.* The following uses shall be permitted in an "EMP" employment PUD district:
  - (1) The following uses that are uses permitted in the "OS" open space PUD district:
    - (a) Wetlands;
    - (b) Conservation areas;
    - (c) Golf courses;
    - (d) Outdoor recreational and athletic facilities;
    - (e) Outdoor swimming pools;
    - (f) Parks, playgrounds and playfields;
    - (g) Wildlife sanctuaries;
    - (h) Streams, lakes, impounded waterways, or their drainageways; and
  - (2) Any use permitted in the "C" commercial PUD district;
  - (3) Manufacture, assembly, and packaging of products from previously prepared material such as cloth, plastic, paper, leather, and precious or semi-precious metal or stone;
  - (4) Manufacture, assembly, and processing of food and beverages, excluding meat packing plants and similar processes that place a significant demand on wastewater or water treatment;
  - (5) Manufacture, assembly, and testing of communication equipment, medical instruments and apparatus, optics, photographic equipment and supplies, timing equipment, musical instrument and related equipment;
  - (6) Research, engineering and development facilities or laboratories;
  - (7) Motion picture or video production facilities and sound stages;
  - (8) Printing, publishing, and book binding;

- (9) Logistics centers. provided that each individual building does not exceed a maximum of 15,000 square feet of gross floor area where 3<sup>rd</sup> party finished products are stored and then distributed. provided that each individual building does not exceed a maximum of 15,000 square feet of gross floor area. A Logistics Center is a facility for freight forwarding companies or logistic companies that have 3<sup>rd</sup> party products that are "warehoused, stored, and distributed" with intent to deliver to a retail outlet. Logistic Centers do not have any direct on site retail or wholesale sales interaction facilities or space.
  - (10) Instrument and component manufacturing;
  - (11) Apparel manufacturing;
  - (12) Electric and electronic assembly;
  - (13) Greenhouses and wholesale growers;
  - (14) Office equipment and supplies manufacturing;
  - (15) Warehouses;
  - (16) Offices;
  - (17) Data centers.
- (C) *Site development regulations.* A letter of approval from the architectural review committee shall be submitted with an application for a site plan.
- (1) Development of any use permitted in the "OS" open space PUD district shall conform with the site development regulations established in the "OS" open space PUD district.
  - (2) Development of any use permitted in the "C" commercial PUD district shall conform with the site development regulations established in the "C" commercial PUD district.
  - (3) The following regulations shall be applicable to the "EMP" employment district:
    - (a) Minimum lot size: 5,750 square feet.
    - (b) Minimum lot width: 50 feet.
    - (c) Minimum lot depth: 100 feet.
    - (d) Maximum height: No building or structure shall be erected, enlarged or structurally altered to exceed 75 feet.
    - (e) Maximum sound levels to be 70 dBA measured at the property line if adjacent to commercial and 65 dBA measured at the property line if adjacent to R-1, R-2, or R-3 property.
    - (f) Minimum setbacks:
      - (i) Front yard: None.
      - (ii) Side yard: None.

(iii) Rear yard: None.

(g) Maximum floor area ratio: 1.5 FAR of the lot area.

(h) Paved Sidewalks, driveways and parking areas are required.

(i) Screening of Loading, Utility, and Service Areas. The following site elements must be screened from view of the right-of-way, public open space, or public gathering spaces using wing walls or other architectural elements compatible in design with the building being served, berms, evergreen landscape materials, or combinations thereof:

1. Loading areas. Loading docks may be depressed to minimize their height above grade but must still be screened from view.

2. Waste and recycling containers and collection areas.

3. Utility equipment adjacent to or visible from a right-of-way or public open space.

i. Utility equipment which must remain in clear view of the street as documented in writing by the utility company must be located on the approved site plan and shall be painted in an earth tone color (as approved by the applicable utility provider) which is the same for all such equipment or, if attached to the building, must be painted to match the wall color on the building to which it is attached.

g. Landscaping:

1. All parking lots between the building(s) and public street or public park/open space, shall be fully screen with a minimum 36" tall buffer, made up of the following options:

i. Masonry, CMU, or cast in place concrete wall, reflective of the same materials, colors, details of the adjacent building;

ii. landscape buffer made of any combination of woody shrubs, evergreen shrubs, or ornamental grasses. Minimum height of landscape buffer shall be achieved within 36 months after planting.

2. All parking lots shall include a minimum three inch (3") caliper shade tree (native or adaptive species) every 10 parking spaces.

3. All building facades (with the exception of the rear façade) shall include a minimum of one three inch (3") caliper shade tree every fifty (50) linear feet to help break up the massing of the building. Even spacing is not required. Trees required in parking lots, adjacent to the building may count toward this requirement.

4. The use of wall scrims with vines is encouraged to help break up the mass of the building.

5. All above ground utility boxes shall be fully screened.

h. Exterior Lighting

1. All exterior lighting shall be between 2800Kv and 3200Kv temperature unless otherwise approved.

2. Footcandles shall not exceed 0.5 feet outside of the property line.

3. All pole lighting shall include cutoff lighting shields or shall be downlit.

i. Low voltage landscape lighting is not required for cutoff lighting shields or downlights.