

**ORDINANCE NO. 554**

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE SIGN ORDINANCE NO. 356, NO. 356-1, NO. 356-2 AND NO. 552, REGULATING KIOSK SIGNS; PROVIDING DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City Council has investigated and determined that the City of Kyle should adopt Kiosk Sign Regulations; and

**WHEREAS**, the City Council has investigated and determined that the number and variety of temporary signs placed in city right-of-way creates a traffic hazard and visual clutter; and

**WHEREAS**, the City Council has investigated and determined that it would be advantageous, beneficial, and in the best interest of the citizen's of Kyle to require greater uniformity, less auspicious designs, and fewer number of signs within the right-of-way to eliminate and ameliorate the traffic hazards and visual clutter caused by those signs; and

**WHEREAS**, the City Council has investigated and determined that kiosk signs, with a uniform design, may eliminate some of the traffic hazards and visual clutter caused by the posting of temporary signs in the city right-of-way; and

**WHEREAS**, the City Council has investigated and determined that it will be advantageous, beneficial, and in the best interest of the citizens of Kyle to create a neat and orderly appearance throughout Kyle; and

**WHEREAS**, the City Council has investigated and determined that it will be advantageous, beneficial, and in the best interest of the citizens of Kyle to promote and aide in economic development and the tax base by allowing kiosk signs which supports residential development, which, in turn, provides a customer base for commercial areas; and

**WHEREAS**, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Kyle to create a means of safely identifying residential subdivisions, municipal facilities, and city-sponsored events without creating aesthetic offenses and harm; and

**WHEREAS**, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Kyle to support the general economic development of Kyle; and

**WHEREAS**, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Kyle to promote the City, aide in economic development, promote citizenry and good will, and promote awareness of

happenings in the City by allowing the City to use its own property, such as right-of-way, to convey its own messages; and

**WHEREAS**, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Kyle to support the general welfare of the citizens and to maintain the small-town atmosphere during a time of growth by providing for a means to communicate information related to the residential community, civic activities and government; and

**WHEREAS**, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Kyle to create appropriate and orderly commercial and residential atmospheres; and

**WHEREAS**, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Kyle to enhance property values and psychological well-being for individuals and families.

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

**Section 1: Findings Of Fact.** That the facts and recitations hereinabove set out are hereby found and declared to be true and correct and are incorporated herein as findings of fact.

**Section 2: Addition of Definitions to Section 6.** The definition of “Kiosk Sign” and “Sign Panel” are hereby added to Section 6, Ordinance Number 356 to read as follows:

Kiosk Sign. Free-standing sign structure located in or adjacent to public right-of-way that features a City of Kyle identification panel at the top of each structure, and displays directional information to new homes, independent school district facilities, and municipal or community events or facilities.

Sign Panel. An individual sign placard displaying directional information on a sign kiosk.

**Section 3: Amendment of Section 8.** Section 8, Ordinance Number 356 hereby amended to add subsection 8(i) to read as follows:

(i) Kiosk Signs. Kiosk signs are intended to provide a uniform, coordinated method of providing homebuilders and developers a means of utilizing directional signs, while minimizing the negative impacts of weekend homebuilder’s signs on the appearance of the city. Kiosk signs are also intended to provide service to the public on the directions to municipal facilities and parks, community events, and school district facilities.

(1) The City Council may, by duly executed agreement, grant the exclusive right to design, erect and maintain kiosk signs within the city limits and extraterritorial jurisdiction of Kyle.

(2) Kiosk signs shall be designed and constructed in accordance to the specifications contained in the aforementioned agreement.

(3) Prior to erecting any kiosk sign, a sign location map shall be submitted to the Building Official for approval.

(4) Kiosk sign installation shall include break-away design features as required for traffic signs in the street right-of-way.

(5) Advertisement of price information shall be prohibited on kiosk signs.

(6) No additional or extraneous signs, pennants, flags or other devices for visual attention or other appurtenances shall be attached to kiosk signs.

(7) Kiosk signs shall not be illuminated.

(8) Individual sign panels on kiosks shall have a uniform design and color.

(9) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorists, pedestrians or traffic control signs; shall not be installed in the immediate vicinity of street intersections; and shall comply with the visibility triangle requirements contained in the Subdivision Regulations or other visibility easements provided by code or subdivision plat.

(10) Kiosk Sign may be located on private property, or other State-maintained roadways, provided written permission is obtained from the property owner.

(11) Kiosk sign panels shall be available to all developers and homebuilders operating within the city of Kyle on a first-come, first-served basis. Developers and homebuilders operating November 18, 2008 within the city limits shall have first priority to lease sign panels. In the event extra panel space is available, residential developments, located outside the city limits may also lease panels.

(12) In accordance to the specifications contained in the aforementioned agreement, a percentage of the kiosk sign panels shall be reserved for the City to use as directional signage to municipal or community facilities or locations or community events.

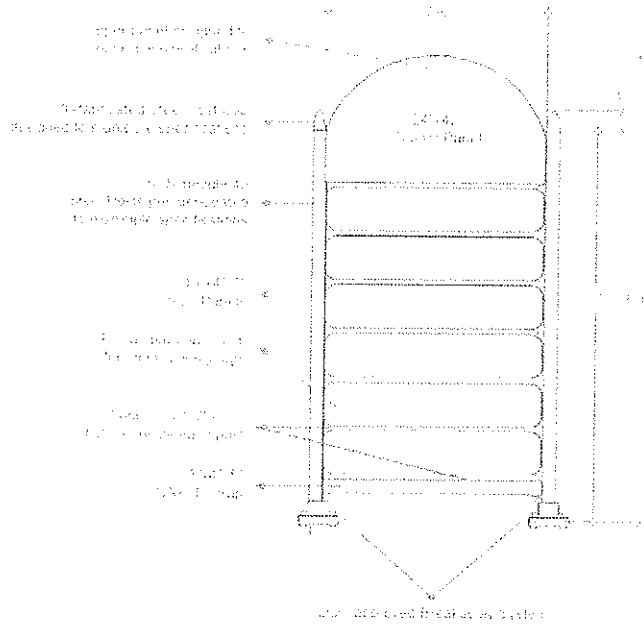
(13) No Kiosk sign shall be placed, located, or installed on city-owned property or public right-of-way without a agreement duly approved by the City Council.

**Section 4: Deletion of Section 13 (f).** Section 13, is hereby amended to delete "Homebuilder and Subdivision Signs", as an allowed sign. Section 13(f) shall be reserved for future amendment.

~~(f) Homebuilders and Subdivision Sign Allowed. Except as and to the extent Provided and limited in another ordinance of the City applicable to homebuilder and~~

# EXHIBIT "A"

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~~subdivision signs. Free-standing signs for the purpose of identifying the location of or direction to subdivisions or major homebuilder sites are allowed. Such signs shall be on-site and shall not exceed sixty (60) square feet in area nor extend higher than fifteen (15) feet in height. In addition, any sign erected under this section shall be removed within thirty (30) days of completion of the project. No such sign shall be located closer than one hundred (100) feet to a residential dwelling not within the subdivision.~~

**Section 5: Savings/Repealing Clause:** All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

**Section 6. Amendment of Conflicting Ordinances.** Ordinance No. 356, as amended, is hereby amended as provided herein. All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

**Section 7. Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Kyle hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**Section 8. Effective Date.** This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

**Section 9. Open Meetings.** That 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, Loc. Gov't. Code.

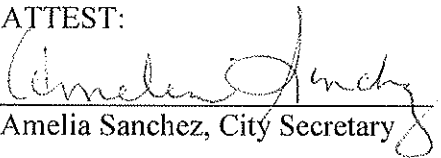
PASSED AND APPROVED on this the 2<sup>nd</sup> day of December 2008.

PASSED AND FINALLY APPROVED on this the 2<sup>nd</sup> day of December 2008.

CITY OF KYLE, TEXAS

  
Miguel Gonzalez, Mayor

ATTEST:

  
Amelia Sanchez, City Secretary