

ORDINANCE NO. 374

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, PROVIDING FOR AND REQUIRING SITE DEVELOPMENT PLANS FOR THE DEVELOPMENT AND OR IMPROVEMENT OF CERTAIN PROPERTY WITHIN THE CITY; SETTING FORTH THE REQUIREMENTS FOR SITE DEVELOPMENT PLANS; AND PROVIDING FOR CERTAIN RELATED MATTERS.**

**Whereas**, the protection of the public health and safety of the present and future citizens of the City require further and additional regulation of the development of real property within the City in order to provide for improved traffic flow and safety, improved drainage, pollution abatement and related issues critical to the public health and safety;

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

**Section 1. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Ordinance. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

**City** means the City of Kyle, Texas.

**Development Plan** means a scaled drawing representing an area of land to be improved/developed and indicating the legal boundary of said property and the nature and extent of all existing and proposed improvements to said project.

**Lot** means any lot, tract or parcel of land situated wholly or partially within the corporate limits of the City of Kyle, Texas, and, if served or to be served by the City water or wastewater system, within the extraterritorial jurisdiction of the City.

**Site** means any lot situated wholly or partially within the corporate limits of the City of Kyle, Texas, and, if served or to be served by the City water or wastewater system, within the extraterritorial jurisdiction of the City.

**Section 2. Site Development Plan Required.** A Site Development Plan as provided for in, and meeting the requirements of, this ordinance prior to the development or construction of any improvements on any lot that is zoned other than Single Family Residential or Two Family Residential, or that is intended for any use for any purpose or occupancy other than for

single family or two family residential occupancy.

**Section 3. Purpose and Applicability.** The Site Development Plan provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the Master Plan and ordinances of the City. A Site Development Plan shall further be required for any development or improvement of land not otherwise requiring the subdivision of land within the City, as defined in the ordinances of the City.

**Section 4. Format and Content.** (a) **Format.** The Site Development Plan shall be drawn on twenty-four inches by thirty-six inches (24"x36") sheets at an engineering scale sufficient to thoroughly meet the informational requirements herein.

(b) **Content.** The Site Development Plan shall include all of the land proposed to be developed or improved, and any off-site improvements required to accommodate the project. The Site Development Plan shall contain, or have attached thereto:

- (1) A Cover Sheet, showing
  - (i) Names, addresses and phone numbers of the record owner or developer, and authorized agents including the architect, engineer, landscape architect, and surveyor (those applicable)
  - (ii) The proposed name of the project,
  - (iii) A location map showing the relation of the project to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.
  - (iv) The owner's name, deed or plat reference and property lines of property within two hundred (200) feet of the subdivision boundaries as determined by the most recent tax rolls.
  - (v) Certifications and signature blocks as required by the City.
  - (vi) The total acreage of the property to be developed.
  - (vii) Current zoning district as defined by the current City Zoning Ordinance.
- (2) An Existing Conditions Plan, showing
  - (i) Boundary of existing zoning districts, if applicable.
  - (ii) The existing property lines, including bearings and distances, of the land being developed or improved. Property lines shall be drawn sufficiently wide to provide easy identification.

- (iii) The location of existing structures and improvements, if applicable.
  - (iv) Significant trees of 12-inch caliper and larger, within the limits of the proposed on-site and/or off-site improvements.
  - (v) Centerline of water courses, creeks, existing drainage structures and other pertinent data shall be shown.
  - (vi) Lines delineating the regulatory one hundred (100) year floodplain, if applicable.
  - (vii) Topographic data indicating one (1) foot contour intervals. The contoured area shall extend outward from the property boundary for a distance equal to twenty-five percent (25%) of the distance across the tract, but not fewer than fifty (50) feet nor more than two hundred (200) feet.
  - (viii) The locations, sizes and descriptions of all existing utilities, including but not limited to sewer lines, lift stations, sewer and storm sewer manholes, water lines, water storage tanks, and wells within the property, and/or adjacent thereto. Existing overhead and underground electric utilities shall also be shown.
  - (ix) The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements, building setbacks or other public rights-of-way within the property, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The existing right-of-way width of any boundary street to the property shall also be shown.
  - (x) Location of City limit lines and/or outer border of the City's extra-territorial jurisdiction, as depicted on the City's most recent base map, if either traverses the subdivision or is contiguous to the subdivision boundary.
- (3) An Erosion and Sedimentation Control Plan, showing
- (i) Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.
  - (ii) Existing and proposed topographic conditions with vertical intervals not greater than one (1) feet referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
  - (iii) The location, size, and character of all temporary and permanent erosion and sediment controls with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.

- (iv) Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.
  - (v) A plan for restoration for the mitigation of erosion in all areas disturbed during construction.
  - (vi) All temporary and permanent erosion and sedimentation controls within the City shall be designed in accordance the Austin Drainage Criteria Manual, as amended.
- (4) A Site Plan, showing all visible improvements to the land, including
- (i) The location, dimensions, square footage, height, and intended use of existing and proposed buildings on the site.
  - (ii) Location, number and dimensions of existing and proposed parking spaces, distinguishing between standard, handicap and van handicap spaces, and calculation of applicable minimum requirements.
  - (iii) The location, type and dimensions of proposed driveways, signs and traffic control devices.
- (5) A Grading and Drainage Plan, showing
- (i) A Drainage Area Map delineating areas to be served by proposed drainage improvements.
  - (ii) Detailed design of all drainage facilities, including typical channel or paving section, storm sewers, detention ponds and other stormwater control facilities.
  - (iii) Accurate cross-sections, plan and profiles of every drainage improvement proposed in a public utility easement and/or public right-of-way.
  - (iv) Existing and proposed topographic conditions with vertical intervals not greater than one (1) feet referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
  - (v) Attendant documents containing design computations in accordance with the City Subdivision Ordinance and this ordinance, and any additional information required to evaluate the proposed drainage improvements.
  - (vi) The City of Austin Drainage Criteria Manual, as amended, (hereinafter the "Manual") is hereby adopted, save and except the following:
    - A. Preface;
    - B. Paragraphs 1.2.4.E.2 and 1.2.4.E.11;
    - C. Paragraphs 1.2.7;

- D. Paragraphs 1.4.0;
- E. Paragraphs 1.5.0.3, 1.5.0.4, 1.5.0.5 and 1.5.0.6;
- F. Paragraphs 8.2;
- G. Appendix D; and
- H. all references to the City of Austin, including its departments, boards or divisions shall be the same departments, boards or divisions within the City of Kyle. Where such departments, boards or divisions do not exist within the City of Kyle, such references shall be construed to mean the City Engineer of Kyle or other representative authorized by the City Council of the City to perform such functions for the City.

- (vii) All drainage systems and improvements shall conform with the provisions and requirements of the Manual and good engineering practices.
- (viii) The site grading plan shall show and include the existing ground elevations and finish construction grades, including existing ground elevations for a minimum of 100' onto adjoining property, width of existing street right-of-way and existing pavement width.

(6) A Utility Plan, showing

- (i) The layout, size and specific location of proposed water mains and other related structures and in accordance with all current City standards, specifications, and criteria for construction of water mains.
- (ii) The location of proposed fire hydrants, valves, meters and other pipe fittings.
- (iii) Design details showing the connection with the existing City water system.
- (iv) The layout, size and specific location of the proposed wastewater lines, lift stations, and other related structures, and in accordance with all current City standards, specifications, and criteria for construction of wastewater systems.
- (v) Plan and profile drawings for each line in public right-of-way or public utility easements, showing existing ground level elevation at center line of pipe, pipe size and flow line elevation at all bends, drops, turns, station numbers at fifty (50) foot intervals.
- (vi) Detailed design for lift stations, special wastewater appurtenances, if applicable.
- (vii) Utility demand data, and other attendant documents, to evaluate the adequacy of proposed utility improvements, and the demand on existing City utilities.

(7) A Landscape Plan, showing compliance with all ordinances requiring landscaping and including the following maintenance note: The developer and subsequent owners of the landscaped property, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of the Subdivision Regulations.

(8) Construction Details, showing (when applicable)

- (i) Structural retaining walls and/or detention outlet structures
- (ii) Stormsewer manhole and covers, typical channel sections, inlets, safety end treatments and headwalls
- (iii) Wastewater manholes and covers, cleanouts, grease traps, pipe bedding and backfill
- (iv) Water valves, water meters, fire hydrants, thrust blocks, backflow prevention and concrete encasement.
- (v) Driveways, curb and gutter, sidewalks, curb ramps, pavement sections and pavement repair
- (vi) Silt fence, rock berms, stabilized construction entrance, inlet protection
- (vii) Traffic controls when working in public right-of-way.

(c) **Procedure.** A Site Development Plan, for the development or improvement of land not otherwise subject to the subdivision of land, shall be submitted to the Commission for approval.

(1) A Site Development Plan may be submitted to the City at any time prior to the issuance of a building permit, subject to the provisions of this Ordinance, and along with the following:

- (i) Completed application forms and the payment of all applicable fees.
- (ii) A letter requesting any variances from the provisions of this Ordinance.
- (iii) Any attendant documents needed to supplement the information provided on the Site Development Plan.

(2) City staff shall review all Site Development Plan submittals for completeness at the time of application. If, in the judgment of City staff, the Site Development Plan submittal substantially fails to meet the minimal informational requirements as outlined

above, it will not be accepted for review.

(3) Prior to the Commission meeting at which the Site Development Plan is presented, City staff shall review the plat for consistency with City codes, policies and plans.

(4) City staff shall prepare a report analyzing the Site Development Plan submittal, and recommending either approval or disapproval of the Site Development Plan. This report shall be available at least five (5) working days prior to the Commission meeting.

(5) If the developer chooses to withdraw the Site Development Plan, in writing, by noon of the third working day preceding the meeting Commission, the submittal may appear on the next Commission agenda after repayment of the applicable fees.

(6) It shall be the right of the applicant seeking Site Development Plan approval, to appeal a decision of the City staff, for any reason whatsoever, to the Commission and have a final decision rendered by the Commission.

(7) A Site Development Plan may be rejected at any time subsequent to submittal and prior to final written approval for failure to meet the minimum informational requirements of this Ordinance.

(d) **Notification.** All owners of property (as determined by the most recent tax rolls from the Hays County Appraisal District), any part of which is located within two hundred (200) feet of the perimeter of the land to be developed, shall be notified by mail. The City shall:

(1) post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners;

(2) publish a public notice at least once in a newspaper of general circulation in the City not fewer than fifteen (15) nor more than thirty (30) days prior to said public hearing; and

(3) mail public notification forms, postmarked no fewer than fifteen (15) days prior to the appropriate Commission hearing, shall be mailed to the owners of all property, any part of which is located within two hundred (200) feet of the perimeter of the property included within the Site Development Plan.

(e) **Approval.** The Commission, after holding public hearings in accordance with City ordinances, codes, shall act on the request for Site Development Plan approval.

(1) The failure of the Commission to act within thirty (30) days of the Site Development Plan's filing date shall result in automatic approval of the Plan, except as otherwise agreed to by the developer.

(2) Zoning of the tract that shall permit the uses proposed by the Site Development Plan, or any pending zoning amendment necessary to permit the proposed uses shall have been adopted by the Council prior to approval of the Site Development Plan.

(3) Site Development Plan approval by the Commission, as authorized herein, shall be evidenced by the authorized signature of the Commission Chairperson, as applicable, on the Site Development Plan. Approval by the Commission shall become effective immediately.

(4) Upon disapproval of a Site Development Plan, no application for Site Development Plan approval for the same or substantially the same Site Development Plan, on the same or substantially the same land proposed to be developed, shall be filed within one (1) year from the date of Commission disapproval.

(5) A Site Development Plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.

(6) The developer should be aware that specific approvals from other agencies may be required.

(f) **Expiration.** Unless a longer time shall be specifically established as a condition of approval, a Site Development Plan approval shall lapse and become void twelve (12) months following the date on which such approval became effective, unless prior to the expiration, a building permit is issued and construction is commenced and diligently pursued toward completion.

(g) **Revision.** If a revision to the approved Site Development Plan becomes necessary, whether requested the City, Commission or developer, then the Site Development Plan shall be resubmitted and approved by City staff for compliance with this Ordinance.

(h) **Extension.** Site Development Plan approval subject to lapse may be extended if the developer submits a written request for extension and continuance of the plan as approved by the City prior to expiration. Approval of any such extension request shall be automatic one (1) time only for a period of twelve (12) months.

**Section 4. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 5. Code of Ordinances.** It is the intention of the Council that this ordinance shall become a part of the Code of Ordinances of the City of Kyle, Texas, and may be renumbered and codified therein accordingly.

**Section 6. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code, and it is accordingly so ordained.


**Section 7. 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.

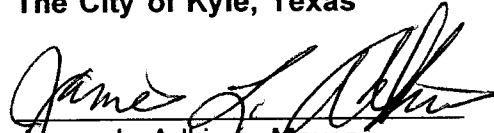
PASSED AND APPROVED on first reading on the 17<sup>th</sup> day of July, 2001.

PASSED, APPROVED AND ADOPTED on second reading this the 7<sup>th</sup> day of August, 2001.

**Attest:**

  
Minerva Falcon, City Secretary

**The City of Kyle, Texas**

  
James L. Adkins, Mayor