

ORDINANCE NO. 673

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS, BY INCLUDING ADDITIONAL MULTI-FAMILY REGULATIONS BY ADDING A NEW SECTION 3.6 “ADDITIONAL MULTI-FAMILY REGULATIONS”, AMENDING SECTION 12.8 “REQUIRED OFF-STREET PARKING” AND TABLE 13.6 “BUFFER AREA LANDSCAPE REQUIREMENTS”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, the City of Kennedale, Texas, is a home rule city acting under its charter adopted by the electorate pursuant of Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has adopted the City of Kennedale Unified Development Code (“Unified Development Code”) that regulates the location and use of buildings, other structures and land for business, industrial, residential or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan and that otherwise regulates the development and use of properties within the city limits of the City of Kennedale; and

WHEREAS, the City Council deems it necessary and in the best interest of the public health, safety and welfare to adopt additional multi-family regulations for future multi-family developments that locate within the city; and

WHEREAS, the Planning and Zoning Commission of the City of Kennedale, Texas, held a public hearing on August 15, 2019, and the City Council of the City of Kennedale, Texas, held a public hearing on August 20, 2019, with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, Article 22 of the Unified Development Code, and all other laws dealing with notice, publication, and procedural requirements for amending the Unified Development Code.

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

SECTION 1.

Article 3 “Agricultural and Residential Zoning Districts” of the Unified Development Code is hereby amended by adding a new Section 3.6 to read as follows:

3.6 Additional Multi-Family Regulations

- A. *Purpose.* To require a higher standard of development for new multi-family developments by utilized a form-based code similar to Village zoning. These modifications are consistent with the Comprehensive Plan Economic Prosperity principle of “Promoting access to housing”, providing housing options for people of varying financial means and residential preferences, while ensuring quality development in the City.

- B. *Form and Character.* Multi-family developments should have an urban building form and street frontage. The primary building form is street-oriented with windows across the façade and one or more entrances along the street. Buildings sit behind a landscaped dooryard and may be configured around a courtyard. The buildings define the street space and typically provide private open space through a combination of balconies, roof decks and spaces interior to the lot.

- C. *Building Form Standards.* All buildings shall meet the following standards:
 - 1. Height.
 - a. The height of all buildings is measured in stories, with an ultimate building height in feet, measured to the top of the wall plate. At no time may a building exceed the prescribed maximum height in stories or in feet.
 - b. All heights are measured from the average fronting sidewalk elevation (at the required building line) unless otherwise noted.
 - c. A half-story (or attic story), defined as habitable space within a pitched roof, does not count against the maximum height in stories or feet, but may provide no greater than 75 percent of the square footage of the floor immediately below.
 - d. The prescribed minimum story clear height shall be met within 30 feet of the required building line (RBL) and by at least 80 percent of each story floor area.
 - e. The required ground story finished floor level shall be measured within 30 feet of any RBL.
 - f. Residential entrances may be at grade, with transitions to meet the minimum finished floor elevation within the building interior.

2. Siting.

- a. Building facades shall be built to the RBL.
- b. The building façade shall be built to the RBL within 30 feet of a block corner.
- c. No part of any building or structure may encroach beyond the RBL or into any required setback except overhanging eaves, awnings, balconies, bay windows, stoops, steps or barrier free ramps approved by the Administrator.
- d. There are no side setbacks
- e. The parking setback line is generally 20 or 30 feet behind the RBL. Vehicle parking shall be located behind the parking setback line, except where parking is provided below grade, on street, or otherwise indicated.
- f. All lots, including corner lots and through lots, shall satisfy the build-to requirements for any and all of their RBL frontages.

3. Elements.

- a. Fenestration is regulated as a percentage of the façade between floor levels. Fenestration is measured as a glass area (including mullions, muntins, and similar window frame elements with a dimension less than one inch) and/or open area.
- b. At least one (1) functioning entry door shall be provided along each ground story façade. The maximum distance between functioning façade entrances shall not be exceed.
- c. In no case shall a garage door be located at or face the RBL.
- d. No privates fences may be constructed forward of the RBL.
- e. A garden wall may be used to define the street edge, to secure a pedestrian passage, to enclose a courtyard space, on rear lot lines, or to screen building service elements.

Height	
Max Building	3 stores and 38'
Minimum ground floor clear height	9'
Minimum upper story clear height	9'
Max Garden Wall Height	10'
Max Privacy Fence Height	7'
Siting	
Min Build-To	75%
Min Parking Setback	30'
Side setbacks	None required
Min rear setback with alley	3'
Min rear setback with no ally	20'
Garden wall	Permitted on unbuilt RBL
Privacy fence	Permitted on common and rear lot lines only
Max building footprint	8,000 sf
Elements	
Min/Max Ground floor Façade Fenestration	33 to 80%
Min/Max Upper Story Fenestration	20 to 70%
Max Blank Wall Limitation	30'
Max Distance between Façade Entrances	60'
Balconies	Permitted

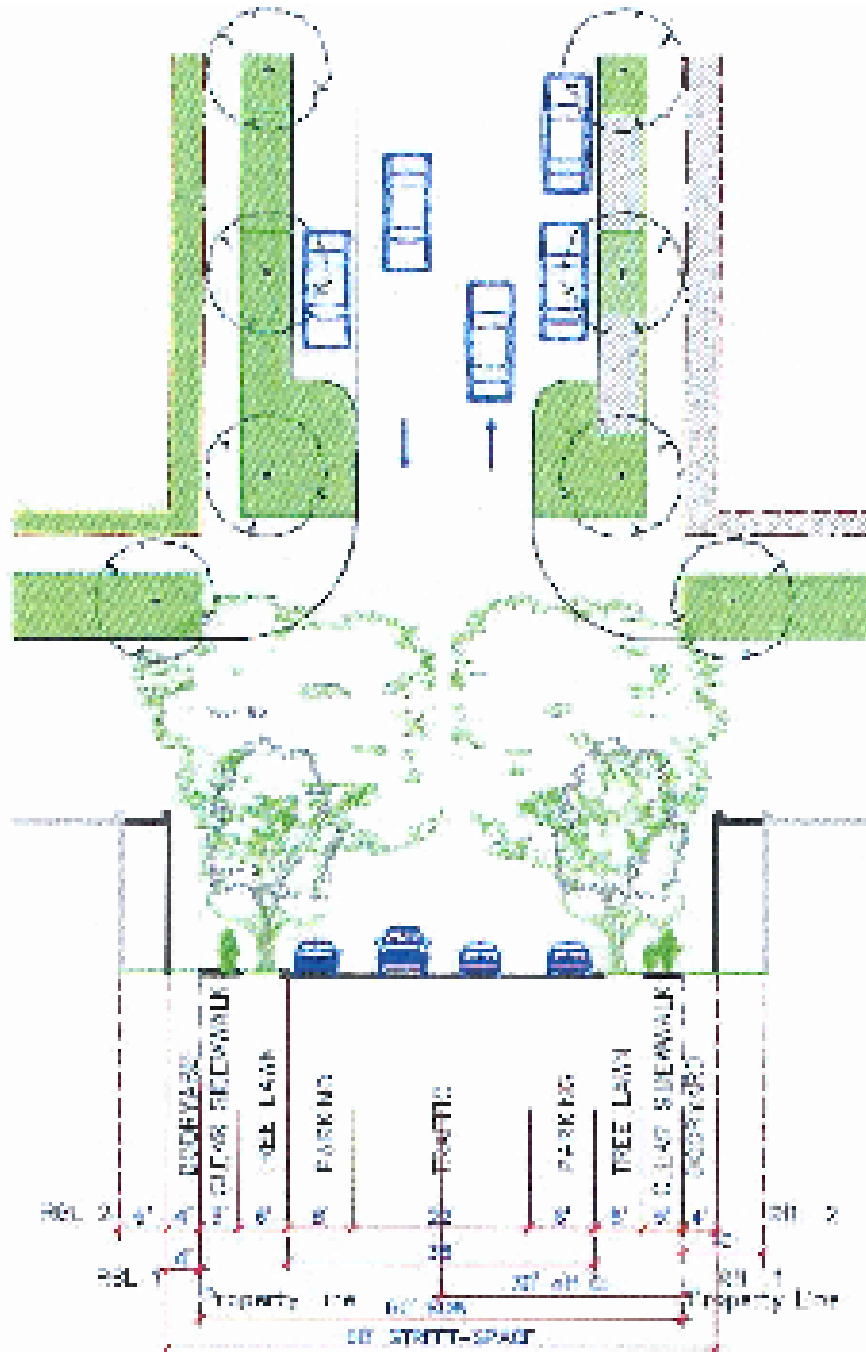
4. Parking.

- a. Parking may be located on the street, in a surface lot or in a structure.
- b. No parking shall be located between the building façade and the back of curb.
- c. All off-street parking shall be located behind the parking setback line, typically 25' feet or more behind the back of sidewalk.
- d. All surface parking (as well as loading areas) shall be placed to the rear or to the side of the buildings, but in no case shall more than 60 feet of the property frontage (along the required building line) be used for surface parking.
- e. All surface parking and loading areas shall be screened from public areas, public sidewalks, and abutting residentially zoned properties by landscaping and a four (4) foot solid wall or a combination masonry and a wrought iron or metal fence.

- f. When parking is above grade within a structure, a façade treatment that is consistent (in terms of materials and design) with the building façade shall be provided for the parking floors/levels.
 - g. Parking structures shall be constructed so that commercial uses occupy the ground floor level on all street frontages. Automobile parking spaces are to be provided as required in this section and configured according to Sections 12.8 and 12.9.
 - h. Residential minimum reserved parking spaces per unit: Up to 1,000 square feet, regardless of bedroom count: one (1) space/unit. Above 1,000 square feet: one and a quarter (1.25) spaces per unit.
5. Bicycle Parking.
- a. Sites and/or projects over 10,000 square feet in land area require one (1) tenant bicycle parking rack (2-bike capacity) per ten (10) units. Buildings under four (4) units shall have no requirement.
 - b. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right-of-way designated as the clear walkway nor shall they encourage on any required fire egress.
 - c. On-street bicycle parking spaces (typically along the street tree alignment line) may be counted toward the minimum customer/visitor bicycle parking requirement. For areas with constrained street-space, an optional approach is to consolidate public bicycle parking in a single (1) dedicated on-street parking space per block.
 - d. Bike rack design shall meet the requirements of Section 12.4D.
6. Permissive Parking and Loading Facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design and operation of such facilities.
7. On-Street Parking. A parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site (where more than 50 percent of the space is fronting). Each on-street parking space may only be counted once.
8. Loading Facilities. If provided, loading zones shall be located to the rear and/or alley side of buildings.

9. Parking Lot Plantings for New Development.

- a. Trees. For any surface parking lot not separated from the street or public realm by a building, the space between the RBL and the parking setback line shall be planted with canopy shade trees. Trees shall be planted at an average distance not to exceed 30 feet on center and aligned parallel three (3) to seven (7) feet behind the RBL or garden wall.
- b. Edge. The edge of any surface parking lot adjacent to a single-family lot shall:
 - i. Be planted with canopy shade trees placed at an average distance not to exceed 40 feet on center and aligned parallel three (3) to seven (7) feet behind the common lot line; and
 - ii. Have a garden wall or privacy fence along the common lot line at least three (3) feet in height.
- c. Streets & Streetscape – Public Realm. The street graphic below illustrates the recommended typical configuration for street spaces within multi-family developments. The plans and sections specify ideal vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations. The streets must work in conjunction with the building form standards to create the type of walkable place envisioned by the Comprehensive Plan. Streets must balance the needs of all forms of traffic – auto, bicycle and pedestrian.



SECTION 2.

Section 12.8 “Required Off-Street Parking” of the Unified Development Code is amended by amending Section 12.8.A.6. to read as follows:

“6. MF District. Parking spaces must be enclosed or covered in compliance with Section 3.6 of this Code”.

SECTION 3.

Table 13.6 “Buffer Area Landscape Requirements” of the Unified Development Code is hereby amended to read as follows:

Table 13.6 Buffer Area Landscape Requirements			
District	Type	Min. Width	Min. Landscaping Requirements per 50 Linear Ft.
AG, R-1, R-2, R-3, D, MH (non- agricultural and residential principal uses)	1	10 ft.	1 canopy tree or 1 evergreen tree 1 ornamental tree or 12 shrubs
MF	In compliance with Section 3.6		
C-0, C-1, C-2	2	10 ft.	1 canopy tree 1 evergreen tree or 1 ornamental tree 8 shrubs
I	3	25 ft.	2 canopy trees 1 evergreen tree or 1 ornamental tree 12 shrubs

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Unified Development Code of the City of Kennedale, Texas (2016), as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, or phrases of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid or unconstitutional section, paragraph, sentence, clause, or phrase.

SECTION 6.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of Kennedale, Texas, are expressly saved as to any and all violations of the provisions of any ordinances governing development that have accrued at the time of the effective date of this Ordinance; and, as to such accrued

violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption, the penalty clause, the publication clause, and the effective date clause of this ordinance as provided by Section 3.10 of the Charter of the City of Kennedale.

SECTION 9.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, THIS THE 20TH DAY OF AUGUST, 2019.

APPROVED:

MAYOR BRIAN JOHNSON

[CITY SEAL]

ATTEST:

CITY SECRETARY LESLIE E. GALLOWAY

APPROVED AS TO FORM AND LEGALITY:

EFFECTIVE DATE:

CITY ATTORNEY DREW LARKIN