

ORDINANCE NO. 561

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED; REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM "R2" SINGLE FAMILY RESIDENTIAL DISTRICT TO "PD" PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale Texas is a Home Rule municipality acting under its charter adopted by the electorate pursuant to Article XI, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating 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

WHEREAS, Delia Vela, who has a proprietary interest in said property being an approximately 1.98 acre tract in the Jesse Russell Survey A-1361, more particularly described as Jesse Russell Addition Lot 4, Tarrant County, Texas, has filed an application to rezone the property from its present classification of "R2" Single Family Residential district to "PD" Planned Development district; and

WHEREAS, the City of Kennedale's comprehensive land use plan envisions the property in question to permit land use and development of a commercial nature when such uses are compatible with surrounding residential uses; and

WHEREAS, the City Council has determined that a planned development zoning district is the most appropriate zoning district to facilitate the development of the property; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 20th day of November 2014 and by the City Council of the City of Kennedale on the 19th day of January 2015 with respect to the zoning changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to amend the City's Zoning Ordinance as described herein.

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

SECTION 1:

The Comprehensive Zoning Ordinance is hereby amended so that the zoning classification and the uses in the hereinafter described area shall be changed and or restricted as shown and described below:

An approximately 1.98 acre tract in the Jesse Russell Survey A-1361, more particularly described as Jesse Russell Addition Lot 4, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "R-2" Single Family Residential District to "PD" Planned Development District ("Russell PD"), as more fully described on the Concept Plan, attached hereto as Exhibit "B" and incorporated herein.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth in the Concept Plan, attached hereto as Exhibit "B", and the Concept Plan is hereby approved. The use of the Property shall further be subject to all other applicable regulations contained in the Zoning Ordinance, the Subdivision Regulations, and all other applicable and pertinent ordinances of the City of Kennedale, where not otherwise controlled by the regulations set forth below. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirements to the extent of a conflict:

1. *Permitted Uses.*

- a. The only permitted uses in the "Russell PD" shall be:
 - i. Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services;
 - ii. Offices for business, professional, administrative, and technical services such as accountants, architects, lawyers, and other non-medical professionals, etc.;
 - iii. Offices for contractor uses, with outdoor storage limited to 50% of the land area not occupied by a structure(s);
 - iv. Health / Medical Clinics providing outpatient care, including physician offices, dentists, chiropractors, optometrists, etc., with no drive-thru facility (e.g., for attached pharmacy, glasses pick-up, etc.);
 - v. Food Service Uses such as full-service restaurants, fast food establishments, cafeterias, bakeries, and snack bars, with no drive-thru facility;
 - vi. Art galleries, and art, antique, or furniture studio (retail, repair or light fabrication);
 - vii. Business associations and professional membership organizations;

- viii. Child day care and preschools;
- ix. Civic uses;
- x. Religious institutions;
- xi. Home occupations (in accordance with Kennedale city code Section 17-423);
- xii. Single family detached residential;
- xiii. Single family attached residential;
- xiv. Veterinary clinic;
- xv. Park, playground, or open space, including detention or retention facilities.

b. Drive-thrus are prohibited.

2. *Hours of operation.* Operating hours for any business located within the Russell PD shall not begin earlier than 5 AM and shall not cease later 10 PM. Deliveries, moving of heavy equipment, equipment repairs, vehicle loading or unloading, or other similar activities shall be permitted only between 7 AM and 9 PM.

3. *Lot size.* Lot size requirements shall be as follows.

Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Minimum Lot Area (in square feet)
50	110	5,000

4. *Lot coverage* Lot coverage shall not exceed seventy (70) percent of the lot. *Lot coverage* means the percentage of the total area of a lot occupied by the first story or ground floor of all buildings located on the lot.

5. *Setbacks.* The Russell PD herein approved shall require the following minimum setbacks:

Front Setback Minimum (ft.)	Rear Setback Minimum (ft.)	Side Setback Minimum – R-o-W Adjacent (ft.)	Side Setback Minimum – Interior (ft.)
25	20	15	10

6. *Building height.* Buildings shall not exceed a height of two and one half (2 ½) stories, at a maximum of forty (40) feet in height.

7. *Building materials.* All primary structures constructed after the date this ordinance is adopted shall have exterior buildings materials of 80% masonry. All primary structures

existing at the date this ordinance is adopted shall have a masonry veneer applied to at least 80% of the exterior facades within three (3) years after the date this ordinance is adopted. "Masonry" shall be as defined in Kennedale City Code Section 17-405(f).

8. *Glazing.* Any primary structure constructed after the date this ordinance is adopted shall have a minimum of twenty percent (20%) glazing and a maximum of sixty percent (60%) glazing on the front façade and a minimum of ten percent (10%) and a maximum of sixty percent (60%) glazing on at least one other side.
 - a. Any structure in existence at the time this ordinance is adopted shall comply with the glazing requirements of this section at such time when the building is expanded by more than twenty-five (25) percent or when an existing building is renovated, repaired, remodeled, or has structural alterations, with costs for such improvements having a value of more than fifty (50) percent of the value of the building.
 - b. Ground floor glazing shall have a maximum sill height of four (4) feet.
9. *Blank walls not permitted.* For any structure constructed after the date this ordinance is adopted, blank walls longer than sixty (60) feet are prohibited. For purposes of this section, "blank wall" means any building wall that is a portion of a building wall or façade without a window or door or similar architectural feature and is over four feet in height from ground level and longer than 60 feet, as measured horizontally, without having a window, door, building modulation or other similar architectural feature meant to lessen the apparent bulk or massing of a structure.
10. *Parking.* Number of parking spaces and parking surfaces for vehicles shall be provided as required by Kennedale city code.
11. *Paving for equipment stored outside.* Equipment stored outside shall be stored on a paved, all-weather surface of asphalt or concrete as approved by city staff after review for compliance with storm water and other applicable city regulations.
12. *Size of trailers and equipment.* No vehicle larger than a Class 3 pickup truck (as classified by the Federal Highway Administration and illustrated in Exhibit "C", attached) shall be stored on site at any time, and no trailer (of any kind: flatbed, tractor-trailer, RV-type, etc.) larger than twenty-two (22) feet in length shall be stored on site at any time.
13. *Landscaping.* Landscaping shall be regulated by the Kennedale City Code except as otherwise controlled by this ordinance.
 - a. *Plants.* Use of native or adaptive xeriscape plants is encouraged. Landscaping shall be maintained in good condition.
 - b. *Irrigation.* Sprinkler systems should be controlled by an automatically controlled timer, unless the use of the property would otherwise prohibit use of a timer. Irrigation systems shall be installed with a rain shut off sensor. The irrigation system shall be designed so that overspray onto structures, streets, sidewalks,

windows, walls, and fences is minimized.

- i. High-efficiency irrigation systems, such as (but not limited to) drip or soaker hose systems, are required for non-turf areas.
- ii. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- iii. The use of rain cisterns is permitted.
- iv. Cisterns must be located in the rear yard or side yard and must be screened so as not to be seen from the public street. Screening must meet the screening materials regulations of the Kennedale City Code.
 1. Cisterns may not exceed ten (10) percent coverage in any required yard.
 2. A cistern of less than three (3) feet in diameter may be placed anywhere in the rear yard. A cistern with diameter of three (3) feet or more shall be a minimum of eight (8) feet from any side lot line and eight (8) feet from any rear lot line.
 3. A cistern may not be greater than six (6) feet in height.

14. *Screening.* Any area outside of a structure where equipment or other materials are stored shall be screened from view from all public street rights-of-way and adjacent properties for the entire length of the property lines except for points of necessary access. Screening shall be accomplished as follows.

- a. *Fencing.* Within one year of the date this ordinance is adopted, a wooden privacy fence or masonry screening wall shall be installed along the perimeter of any area designated for outside storage. The fencing or screening wall shall be approximately eight (8) feet in height, sufficient to screen all equipment to be stored outside.
- b. *Landscaping.* Within one year of the date this ordinance is adopted, landscaping shall be installed along the perimeter of any area designated for outside storage sufficient in height and width to screen any equipment, trailers, or other materials that exceed the height of the screening wall or fence. Such landscaping materials shall be maintained in good, living condition at all times. Because smaller, younger plants are more likely to survive transplanting, landscaping materials shall not be required to screen all equipment at time of planting, however, materials shall be required to be of sufficient size to screen materials and equipment stored outside within five (5) years of the date this ordinance is adopted.

15. *Sidewalks.* Sidewalks are required within the Russell PD and shall be constructed when new development occurs and shall be constructed according to the requirements of the City of Kennedale Code of Ordinances, the City of Kennedale Public Works Design Manual, and any other applicable regulations, where not otherwise controlled by this ordinance.

- a. Sidewalks shall be a minimum of five (5) feet in width.
- b. For the purposes of this Code, "new development" means when an application is filed for any new primary structure or when a building already existing when this ordinance is adopted is expanded by more than twenty-five (25) percent or when an existing building is renovated, repaired, remodeled, or has structural alterations, with costs for such improvements having a value of more than fifty (50) percent of the value of the building.
- c. Sidewalks may be constructed of permeable materials and may be designed and constructed using low-impact development standards if approved, in writing, by the Director of Public Works. Review and approval of low-impact infrastructure or public facilities shall follow the process for review and approval of standard infrastructure or public facilities as set forth in the codes, regulations, and design manuals of the City of Kennedale. Low-impact development standards shall not be approved unless the Director of Public Works is satisfied the materials and construction methods used will meet the same standards for safety and durability as used in standard sidewalk construction within the City of Kennedale.
- d. In lieu of constructing sidewalks at the time of development, the City may approve placing funds for constructing the sidewalks into an escrow account to be used for installing sidewalks at a later time, as approved by the City.

16. *Lighting.*

- a. All luminaries used primarily for illuminating off-street parking areas, lighted canopies for commercial uses, and similar lighting needs shall have a maximum height of twenty (20) feet.
- b. All luminaires used primarily for walkways, trails, security, decorative effects, lighting equipment or storage areas, fountains, art work, building walls, or similar lighting needs shall have a mounting height no higher than twelve (12) feet.
- c. Light trespass shall be minimized; light levels at the property line should not exceed 2 footcandles (fc). Footcandle means the unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.
- d. Fixtures for decorative lighting must be selected, located, aimed, and shielded so that direct illumination is focused solely on the building façade, plantings, and other intended site feature, and away from adjoining properties and the public street right-of-way.
- e. The operation of searchlights for advertising purposes is prohibited.

SECTION 3.

The zoning districts and boundaries as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population,

to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 4.

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 5.

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, Texas.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, including but not limited to all Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 7.

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

SECTION 8.

All rights or remedies of the City of Kennedale Texas are expressly saved as to any and all violations of any ordinances governing zoning or of any amendments thereto 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 same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 9.

It is hereby declared to be the intention of the City Council that the phrases clauses sentences paragraphs and sections of this ordinance are severable and if any phrase clause sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining phrases clauses sentences paragraphs and sections of

this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase clause sentence paragraph or section.

SECTION 10.

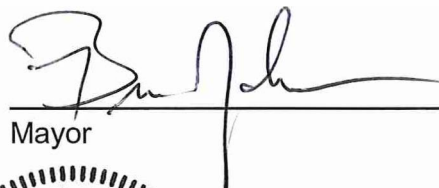
The City Secretary of the City of Kennedale is hereby directed to publish the caption penalty clause publication clause and effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

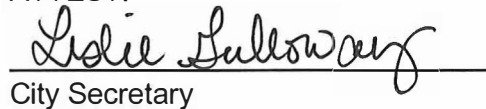
PASSED AND APPROVED ON THIS 19th DAY OF January 2015.

APPROVED:

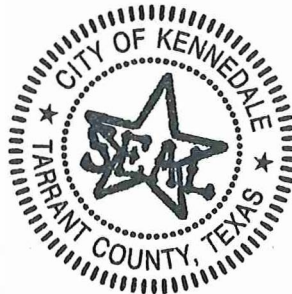


Mayor

ATTEST:



City Secretary



EFFECTIVE: 01/30/15

APPROVED AS TO FORM AND LEGALITY:



City Attorney

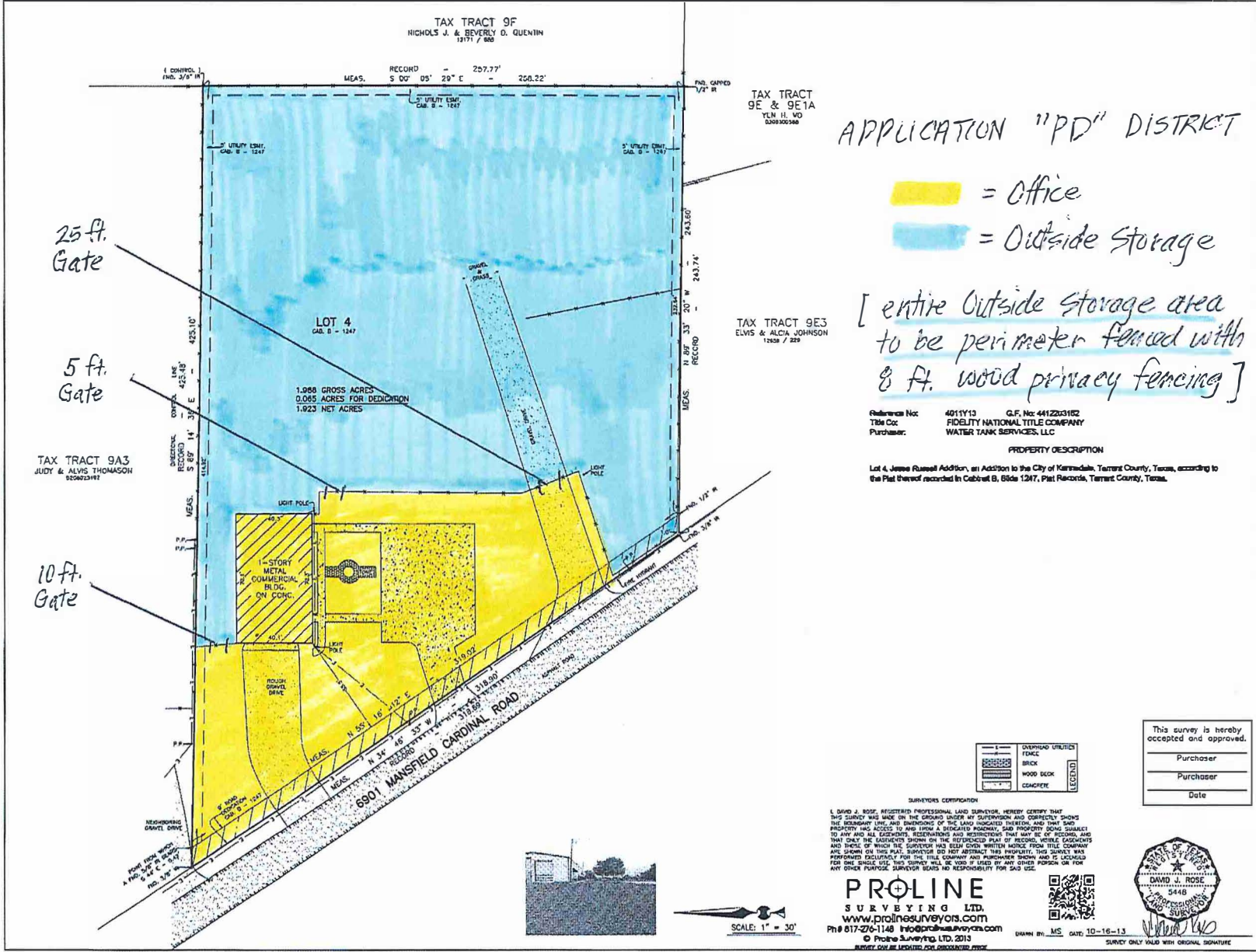


KENNEDALE
Planning Department
www.cityofkennedale.com

EXHIBIT "A"

Lot 4, Jesse Russell Addition, an addition to the City of Kennedale, Tarrant County, Texas, according to the plat recorded in Cabinet B, Slide 1247, Plat Records, Tarrant County, Texas.

Exhibit "B"



TAX TRACT 9F
NICHOLS J. & BEVERLY D. QUENTIN
1977 / 802

TAX TRACT
9E & 9E1A
TUN H. WU
0209300388

TAX TRACT 9E3
ELVIS & ALICIA JOHNSON
1258 / 209

TAX TRACT 9A3
JUDY & ALVIS THOMASON
052623191

APPLICATION "PD" DISTRICT

= Office
 = Outside Storage

[entire Outside Storage area
to be perimeter fenced with
8 ft. wood privacy fencing]

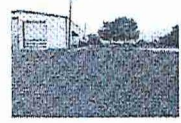
Reference No: 4011Y13 G.F. No: 4412203102
 Title Co: FIDELITY NATIONAL TITLE COMPANY
 Purchaser: WATER TANK SERVICES, LLC

PROPERTY DESCRIPTION
 Lot 4, Jesse Russell Addition, an Addition to the City of Karnedale, Tarrant County, Texas, according to the Plat thereof recorded in Cablot B, Block 1247, Plat Records, Tarrant County, Texas.

	OVERHEAD UTILITY FENCE
	BRICK
	WOOD DECK
	CONCRETE

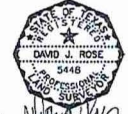
This survey is hereby accepted and approved.
 Purchaser _____
 Purchaser _____
 Date _____

SURVEYOR'S CERTIFICATION
 I, DAVID J. ROSE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE BOUNDARY LINES AND DIMENSIONS OF THE LAND INDICATED THEREON AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, SAID PROPERTY BEING SUBJECT TO ANY AND ALL EASEMENTS, RESERVATIONS AND RESTRICTIONS THAT MAY BE OF RECORD, AND THAT ONLY THE EASEMENTS SHOWN ON THE REFERENCED PLAT OF RECORD, VERBALLY COGNATE AND THEREOF WHICH THE SURVEYOR HAS BEEN GIVEN WRITTEN NOTICE FROM TITLE COMPANY AND LARSON ON THE PLAT, SURVEYOR DOES NOT ABSTRACT THIS PROPERTY. THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR THE TITLE COMPANY AND PURCHASER SHOWN AND IS LICENSED FOR THE SINGLE USE. THIS SURVEY WILL BE VOID IF USED BY ANY OTHER PERSON OR FOR ANY OTHER PURPOSE. SURVEYOR BEARS NO RESPONSIBILITY FOR SAID USE.



SCALE: 1" = 30'

PROLINE
 SURVEYING LTD.
 www.prolinesurveyors.com
 Ph: 817-276-1148 info@prolinesurveyors.com



DRAWN BY: MS DATE: 10-16-13
 SURVEY ONLY VALID WITH ORIGINAL SIGNATURE

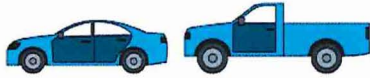
Exhibit "C"
Illustration from *Traffic Recorder Instruction Manual*,
Appendix A: Vehicle Classification Using FHWA 13-Category Scheme
published by Texas Department of Transportation (effective February 1, 2012),

FHWA Vehicle Classifications

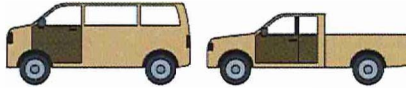
1. Motorcycles
2 axes, 2 or 3 tires



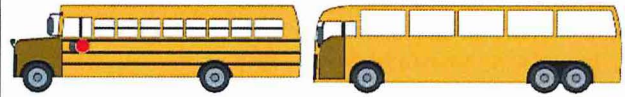
2. Passenger Cars
2 axes, can have 1- or 2-axle trailers



3. Pickups, Panels, Vans
2 axes, 4-tire single units
Can have 1 or 2 axle trailers



4. Buses
2 or 3 axes, full length



5. Single Unit 2-Axle Trucks
2 axes, 6 tires (dual rear tires), single-unit



6. Single Unit 3-Axle Trucks
3 axes, single unit



7. Single Unit 4 or More-Axle Trucks
4 or more axes, single unit



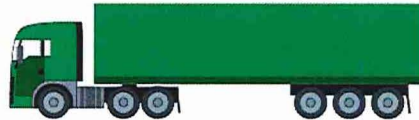
8. Single Trailer 3- or 4-Axle Trucks
3 or 4 axes, single trailer



9. Single Trailer 5-Axle Trucks
5 axes, single trailer



10. Single Trailer 6 or More-Axle Trucks
6 or more axes, single trailer



11. Multi-Trailer 5 or Less-Axle Trucks
5 or less axes, multiple trailers



13. Multi-Trailer 7 or More-Axle Trucks
7 or more axes, multiple trailers



12. Multi-Trailer 6-Axle Trucks
6 axes, multiple trailers

