

ORDINANCE NO. 564

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF KENNEDALE, TEXAS BY REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS FROM "AG" AGRICULTURAL 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, the Future Land Use Plan of the comprehensive land use plan designates character districts, with certain areas designated as Neighborhood or Park & Open Space; and

WHEREAS, certain properties within these character districts located near schools or other commercial or industrial uses are not suitable for residential or park use but are suitable for educational and related uses and well-suited for connecting to an Urban Village character district described in the comprehensive land use plan; and

WHEREAS, the City Council has determined that a planned development zoning district would allow for suitable development of these properties in keeping with the goals and intent of the comprehensive land use plan and would be compatible with existing surrounding residential and educational land uses; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 15th day of January 2015 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 19.46 acre tract in the J Prickett Survey, more particularly described as Woodlea Acres Addn Blk 1 Lots 18A, 18B, 19R, 20R1, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "AG" Agricultural District to Bowman Springs Urban Village Planned Development District Phase I ("PD Urban Village 1") for residential and educational-related uses.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth below. The use of the Property shall further conform to the standards and regulations of the "C-1" General Commercial District and to Chapter 17, Division 10 Subdivision Design Criteria of the City of Kennedale City Code, to the extent not modified in this Ordinance, and shall be subject to all other applicable regulations contained in the Zoning Ordinance 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.* The only permitted uses in the "PD Urban Village 1" shall be:
 - a. *single family detached residential;*
 - b. *guest house*, subject to the requirements under Section 17-421 of the Kennedale City Code and any other applicable regulations;
 - c. *accessory building;*
 - d. *park, playground, or open space, including detention or retention facilities;*
 - e. *kindergarten or pre-kindergarten;*
 - f. *elementary, middle, or high school (public or private);*
 - g. *child day care;*
 - h. *after school care;*
 - i. *tutoring or learning center;*
 - j. *gymnastics facility*, where persons under the age of 18 are the primary users;
 - k. *gymnasium*, where persons under the age of 18 are the primary users;

- l. *dance instruction*, where persons under the age of 18 are the primary users; and
- m. *church*.

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

Lot Type	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Area (square feet)
Residential	75	100	8,750
Non-residential	50	100	5,000

3. *Lot coverage*. Lot coverage shall not exceed sixty (60) 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.
4. *Minimum livable area*. The minimum livable area for all primary residential structures is 1,250 square feet.
5. *Setbacks*. The Bowman Springs Urban Village PD 1 herein approved shall require the following minimum setbacks:

Table 4.2. Setbacks		
Primary structures	Minimum setback (in feet)	Maximum setback (in feet)
Front (from Bowman Springs) ¹	20	25
Side (from interior property line) ²	8	--
Side (from street, for corner lots)	15	--
Rear (from rear property line) ²	8	--
Accessory structures	Minimum setback (in feet)	Maximum setback (in feet)
Front (setback from primary structure)	8	--
Side (from side property line)	8	--
Rear (from rear property line)	8	--

1 Front setback for a primary structure is the distance between the front façade of a structure and the street right-of-way.

2 Where a new commercial structure is proposed to be built on a lot adjoining a property with an existing residence as the primary use, the setbacks for non-residential use shall be as follows for the property line adjoining the residential use. For the sides of the property not adjoining an

existing residential primary use, the setbacks shall be as shown above.

- a) Rear setback: 25 feet
- b) Side setback (interior): 20 feet

6. *Frontage requirement.* At least fifty percent (50%) of the primary façade of a primary structure shall be located within the minimum and maximum front setbacks. Primary structures built on Woodlea Acres Addition Block 1 Lots 18B and 19R are irregularly-shaped parcels and may be permitted to reduce the frontage requirement to thirty percent (30%) with written approval from the zoning administrator, provided documentation is provided that the primary structure as designed and submitted for a building permit cannot meet the 50% requirement.
7. *Building height.* Buildings shall not exceed a height of two and one half (2 ½) stories, at a maximum of forty-five (45) feet in height.
8. *Finish floor height.* Buildings shall have a minimum floor-to-floor height of twelve (12) feet on ground floors and nine (9) feet on upper floors. The ground floor finish level shall be a maximum of twelve (12) inches above the sidewalk.
9. *Building materials.* All primary and secondary structures shall be constructed of a minimum of 80% masonry or masonry veneer. The remaining twenty percent (20%) materials used may be determined by the builder/developer from among the following. Vinyl siding and corrugated metal are prohibited.
 - a. Board and batten;
 - b. Architectural metals;
 - c. EIFS, except that EIFS shall only be permitted on facades ten (10) feet or more above the finished grade of the sidewalk along that façade.
10. *Glazing.* Primary structures shall have a minimum twenty percent (20%) glazing and a maximum of sixty percent (60%) glazing on at least one (1) elevation and a minimum ten percent (10%) glazing (60% maximum) on at least one (1) other elevation.
11. *Parking for residential use.* Parking spaces for at least two (2) motor vehicles shall be provided in an enclosed garage for any single family dwelling constructed within PD Urban Village 1. Front-entry garages are prohibited. J-swing garages that accommodate more than two (2) vehicles are prohibited.
12. *Parking for commercial use.* No off-street parking is permitted between the primary structure and the street (all parking must be behind or to the side of the primary structure).
 - a. *Number of required parking spaces.*

Table 6.3	
Use Type	Minimum Number of Spaces Required
Non-residential	1 per 250 square feet of building area
Residential	2 per unit

- b. *Compact car parking.* Up to fifteen percent (15%) of the required parking may be designed and sized for compact vehicles.
- c. *Handicapped accessible parking.* Number and size of handicapped parking spaces provided shall comply with the Americans with Disabilities Act, the Texas Accessibility Standards, and any other applicable federal, state, or local regulations.
- d. *Screening of off-street parking.* Off-street parking areas must be screened according to the following table.

Table 6.2		
Minimum Height of Screening (in feet) ¹	Maximum Height of Screening (in feet)	Permitted Screening Materials
3	4	A combination of masonry and vegetation (maximum 50% of screening materials may be masonry)
¹ If requirements for maintaining a sight triangle do not permit a minimum of three (3) feet, screening must be the maximum height allowed by the sight triangle. ² For this sub-section, "masonry" is defined per Section 17-405 of the Kennedale City Code. ³ If masonry is used for screening, it must be of the same material as the primary building. ⁴ Vegetated screening must be in compliance with this Ordinance and, where applicable, Section 17-425 and Chapter 17, Article VIII of the Kennedale City Code (where not in conflict with this Ordinance). ⁵ When masonry is used for screening, no section of masonry screening shall exceed twenty (20) feet in length.		

- 13. *Bicycle parking.* Parking for bicycles shall be provided for every non-residential use. Bicycle parking shall be provided at a minimum amount of 5% of the number of spaces provided for car parking.

- a. *Design of bicycle parking space.* For each required bicycle parking space, a stationary object shall be provided to which a user can secure a bicycle with at least two points of contact with a 6-foot cable and lock. The stationary object shall be either a freestanding bicycle rack or a wall-mounted bracket. Freestanding bicycle racks shall be inverted "U," post and ring, or some other form of bicycle rack providing at least two points of contact. Grid/fence-type racks and wave/ribbon-type bicycle racks are prohibited. Objects for securing bicycles must be dedicated for that purpose and may not be primarily for any other purpose (e.g., signage, traffic safety).
 - b. *Location of bicycle parking.* The bicycle rack shall be located within 60 feet of the main entrance of the building it serves, and may be located between the street curb and the building, subject to the approval of the Building Official. Each bicycle parking area shall be separated from motor vehicle parking and maneuvering areas by a barrier, post, or bollard or by at least five (5) feet of open space.
14. *Blank walls not permitted.* Blank walls longer than sixty (60) feet are prohibited for any wall visible from a public street. For purposes of this ordinance, "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.
15. *Façade articulation.* For all new structures (for which a building permit application is submitted to the City after the date the Bowman Springs Urban Village code is adopted), primary building façades must be articulated every 40 feet, with a horizontal or vertical articulation of at least 24" (2 feet). New additions to existing buildings shall also be required to have articulation every 40 feet, with a horizontal or vertical articulation of at least 24" (2 feet).

Examples of articulation. Examples of acceptable articulation are as follows.

- a. Construction of building entrances, display windows, storefronts, balconies, columns, and arcades (obstructing of sidewalks or frontage zones is prohibited);
 - b. Inclusion of awnings;
 - c. Inclusion of a roof element projecting a minimum of five (5) feet from the building;
 - d. Additional architectural elements may be used to meet this requirement.
 - e. Elements not listed above require written approval from the Zoning Administrator.
16. *Landscaping.* Landscaping shall be regulated by the Kennedale City Code except as

otherwise controlled by this ordinance.

- a. *Lawns*. All residential lots shall have sodded front and rear lawns and shall be fully sprinklered.
- b. *Plants*. Landscaping plants shall be selected from the list of approved plants in Chapter 17, Article VIII, Section 17-605, Table A of the Kennedale City Code, except that the following plants are prohibited:
 - Japanese Honeysuckle / Purple Leaf Honeysuckle (*Lonicera Japonica* / *Lonicera Japonica Halliana*)
 - Vinca / Bigleaf Periwinkle (*Vinca Major*)
- c. *Other permitted plants*. Notwithstanding the above, a landscaping plant not on the approved list may be used if it is demonstrated to be drought tolerant and is a native Texas plant suitable for growing in this area. A list of native plants suitable for North Central Texas is available online at the Lady Bird Johnson Wildflower Center website (www.wildflower.org) for reference.
- d. *Street trees*. Street trees shall be selected from the list of approved street trees in Chapter 17, Article VIII, Section 17-605, Table A (b) of the Kennedale City Code, except that Chinese Pistache (*Pistachio Chinensis*) is prohibited.
 - i. *Commercial uses*. Street trees are required along Bowman Springs for all properties developed for commercial use after the date this Ordinance is adopted. One (1) tree is required a minimum of every forty (40) feet and a maximum of fifty (50) feet, center to center, on average, but can vary to accommodate signage, topography, or other site conditions.
 - ii. *Residential uses*. Residential uses shall follow the street tree requirements of the Kennedale city Code.
- e. *Vehicle protection*. All required landscape areas, planters, walls, and/or fences adjacent to vehicle use areas shall be protected by wheel stops, curbs, or other physical barriers. In no instance shall a parking area be designed so as to permit the encroachment or overhang of a vehicle beyond the required setback line(s) set out above in this sub-section.
- f. *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.

17. *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 fourteen (14) 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. All fixtures shall be selected and installed using dark sky best practices.
- f. The operation of searchlights for advertising purposes is prohibited.

18. *Screening for garbage, refuse and trash collection/storage areas.*

- a. Garbage, refuse and trash collection/storage areas shall be screened by a masonry enclosure on three (3) sides. Screening walls shall be a minimum of one (1) foot in height above the materials being stored, and screening walls and fences shall not be greater than eight (8) feet in height. Materials being stored shall not be stored higher than one (1) foot below the screening provided.
- b. The fourth side shall be screened by a gate. The gate shall be made of wrought iron or architectural metal.
- c. The masonry used must be of the same material as the primary building.

19. *Sidewalks and walkways.* Sidewalks are required and shall conform to the Kennedale City Code, the Kennedale Public Works Design Manual, and any other applicable city regulations or requirements, except that sidewalks shall be a minimum of five (5) feet and a maximum of eight (8) feet in width. An illustration of the permitted sidewalk widths is attached as Exhibit "B." Sidewalks are to be installed by the developer or builder. Notwithstanding any written agreement between the City and any other person or entity, in no case is the City obligated to install sidewalks. Where it is not feasible to install sidewalks at the time of development, the developer or builder shall pay a fee in lieu of installation.

- a. *Permeable materials.* Notwithstanding the requirements of Kennedale City Code and other applicable requirements, 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.
- b. *Connections.* Pedestrian walkways shall be connected across properties to ensure safe, comfortable, and easily-accessible pedestrian connections are present throughout the PD Urban Village 1.

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, Section 1, 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:



Brian Johnson, Mayor

ATTEST:

Leslie Galloway
Leslie Galloway, City Secretary



EFFECTIVE: 01/30/15

APPROVED AS TO FORM AND LEGALITY:

WKOR
City Attorney

Exhibit A

Legal Description

Tract 1:

Woodlea Acres Addition, Block 1, Lot 20R1, conveyed to Fellowship Academy by Warranty Deed filed on May 26, 2011, instrument number D211124250, by Warranty Deed filed on July 3, 2014, instrument number D214141700.

Tract 2:

Woodlea Acres Addition, Block 1, Lot 19R, conveyed to the Kennedale Economic Development Corporation by Warranty Deed filed on January 11, 2013, instrument number D213009152.

Tracts 3 & 4:

Woodlea Acres Addition, Block 1, Lots 18A & 18B, conveyed to Mychele Tran and Hiep Nguyen by Warranty Deed filed on November 1, 2007, document number D207391013, save and except that portion acquired by the City of Kennedale for right-of-way.

Exhibit B
Illustration of sidewalk widths

The following illustrations show permitted sidewalk widths within the Bowman Springs Urban Village. They are intended to be guidelines and do not constitute regulations.

