

## **ORDINANCE NO. 630**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING ARTICLE 5 VILLAGE DISTRICTS, SECTION 5.2.F OTHER USES; AND BY AMENDING ACCESSORY USES IN TABLE 6.2 OF ARTICLE 6 COMMERCIAL AND INDUSTRIAL DISTRICTS; BY AMENDING ACCESSORY USES IN TABLE 7.2 OF ARTICLE 7 EMPLOYMENT CENTER DISTRICTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Council has adopted a 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**, in order to promote the public health, safety and general welfare the City Council desires to amend the Unified Development Code as provided in this ordinance; and

**WHEREAS**, the Planning and Zoning Commission of the City of Kennedale, Texas held a public hearing on April 20, 2017, and the City Council of the City of Kennedale, Texas held a public hearing on June 19, 2017, 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, THAT:**

### **SECTION 1.**

Sub-section 5.2.F "Other Uses" of Article 5, "Village Districts" of the Unified

Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

F. Other Uses.

1. Accessory Uses. Home occupations are permitted in accordance with Section 11.18. Solar energy equipment is permitted as an accessory use in accordance with Section 11.37.
2. Temporary Uses. Temporary construction and sales offices are permitted in accordance with Section 11.38.

## SECTION 2.

Sub-section "Accessory Uses" of Table 6.2 "Schedule of Uses: Commercial and Industrial Districts" of Article 6, "Commercial and Industrial Districts" of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

Use	C-0	C-1	C-2	I	Other
<b>Accessory Uses</b>					
Accessory buildings	P	P	P	P	11.2
Garage sales					11.10
Holiday tree and firewood sales			P		11.17
Home occupation					11.18
Outdoor display, accessory retail sales			P	P	11.23
Outdoor display, temporary accessory retail sales	P	P	P		11.24
Outdoor storage, commercial and industrial			P	P	11.25
Residential sales					11.30
Solar energy equipment	P	P	P	P	11.37

## SECTION 3.

Sub-section "Accessory Uses" of Table 7.2 "Schedule of Uses: Employment Center Districts" of Article 7, "Employment Center Districts" of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

Use	EC 1	EC 2	EC 3	Other
<b>Accessory Uses</b>				
Accessory buildings				11.2
Garage sales				11.10
Holiday tree and firewood sales				11.17
Home occupation	P	P		11.18
Outdoor display, accessory retail sales	P	P		11.23
Outdoor display, temporary accessory retail sales				11.24
Outdoor storage, commercial and industrial				11.25
Residential sales				11.30
Solar energy equipment	P	P	P	11.37

#### **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 and sections of this ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clause, 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 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 are expressly saved as to any and all violations of the provisions of any ordinances governing the development and use of property 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.**

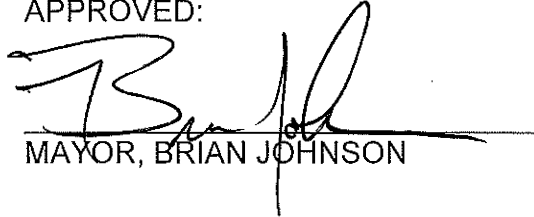
The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption, the penalty clause, the publication clause, and the effective date clause of this ordinance as provided by Section 3.10 of the Charter of the City of Kennedale.

#### **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 ON THIS 19<sup>th</sup> DAY OF JUNE, 2017.

APPROVED:

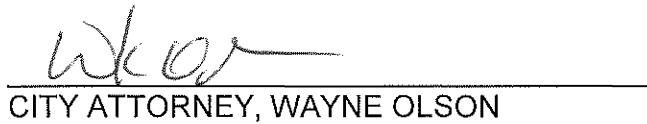
  
MAYOR, BRIAN JOHNSON

ATTEST:

  
CITY SECRETARY, LESLIE GALLOWAY

EFFECTIVE: 6-29-17

APPROVED AS TO FORM AND LEGALITY:

  
CITY ATTORNEY, WAYNE OLSON

