

ORDINANCE NO. 640

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED; REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE 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 property described below is within an area designated as Neighborhoods in the Future Land Use Plan within the comprehensive land use plan; and

WHEREAS, the City Council has determined that the "PD" Planned Development district is the most suitable zoning district for the property described below, in accordance with the comprehensive land use plan, and with the standards in the Unified Development Code; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 19th day of April 2018 and by the City Council of the City of Kennedale on the 21st day of May 2018 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, THAT:

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 17.4 acre tract described as Lot 4R-1 and an approximately 5.8 acre tract described as Lot 3B1, JM Estes Home Tracts, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, "AG" Agricultural District to "PD" Planned Development district.

SECTION 2. The uses in the PD shall conform to the uses permitted in the "R-3" single-family residential zoning district. The PD development shall be subject to the restrictions, terms, and conditions set forth in the Concept Plan and Development Regulations, attached hereto as Exhibit "C" and Exhibit "B" respectively, and the UDC for the purpose of promoting the health, safety, morals and general welfare of the community. The Development Standards in Exhibit "B" shall supersede those in the UDC in case of any conflict. All other standards shall meet the City of Kennedale UDC, as amended. 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 3. The City Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 4. 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 5. 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 6. 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.

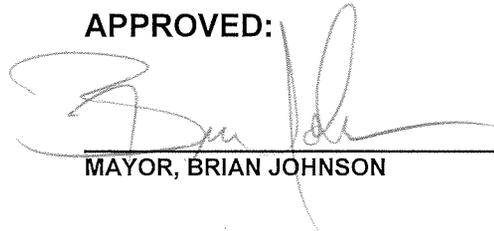
SECTION 7. It is hereby declared to be the intention of the City Council that the phrases clauses sentences paragraphs and sections of this ordinance are severable and if any phrase clause sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree 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 8. The City Secretary of the City of Kennedale is hereby directed to publish the caption, Section 1, the penalty clause, the publication clause, and the 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 9. 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.

DULY PASSED, ADOPTED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, ON THE 21st DAY OF MAY, 2018.

APPROVED:


MAYOR, BRIAN JOHNSON

ATTEST:


CITY SECRETARY, LESLIE GALLOWAY

EFFECTIVE: May 26, 2018



APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY, WAYNE OLSON

Exhibit "A"
Metes and Bounds Description

Tract 1

Beginning at an iron pipe at the northwest corner of said lot 5, in the south right-of-way line of Kennedale-Sublett road (60' R.O.W), same being s 89° 34' 37" W. a distance of 1245.00 feet from the northeast corner of said J. M. Estes home tracts;

Thence n 89° 34' 37" E. with said north line of lot 5 and lot 4, a distance of 498.00 feet to an iron rod for corner;

Thence s 0° 36' 43", E. with the east line of said lot 4, a distance of 1,724.77 feet to an iron pipe for corner;

Thence n 89° 46' 45" W. with the south line of said lots 4 and 5, a distance of 498.31 feet to an iron pipe for corner;

Thence n 0° 36' 12" W. with the west line of said Lot 5, a distance of 1,719.17 feet to the place of beginning and containing 857,761.00 square feet or 19.691 acres of land.

Tract 2

Being a tract of land, being a portion of Tract 3, J.M. Estes Home Tracts. a subdivision out of the J.M. Lilly Survey, Abstract 985, and the W.E. Haltom Survey, Abstract 1791, in the City of Kennedale, Tarrant County, Texas, according to the plat recorded in Volume 1857, Page 283, Deed Records, of Tarrant County, Texas; said tract of land being described by metes and bounds as follows:

Beginning at an iron pin found in the south line of Kennedale-Sublett Road (County Road No. 2056), being the northwest corner of said Tract 3, J.M. Estes Home Tracts;

Thence along the south line of said Kennedale-Sublett Road and the north line of said Tract 3, East 124.5 feet to the iron pin found, being the northwest corner of a tract of land describe din deed recorded in Volume 7258, Page 328, Deed Records of Tarrant County, Texas;

Thence leaving the north line of said Tract 3 and along a fence line and the west line of said tract of land described in deed recorded in Volume 7258, Page 328. Deed Records of Tarrant County, Texas, South 1399.52 feel to an iron pin found, being the southwest corner of said tract of land;

Thence along a fence line and the south line of said tract of land described in deed recorded in Volume 7258. Page 32B, Deed Records of Tarrant County, Texas, East 124.5 feet to an iron pin found for the southeast corner of said tract of land, said point being in the east line of said Tract 3;

Thence along a fence line along said east line, South 325.90 feet (according to plat: 316.24 feet) to an

iron pin found for the southeast corner of said Tract 3;

Thence along a fence line and the south line of said Tract 3, North 89 degrees 46 minutes West 249.0 feet to an iron pin found for the southwest corner of said Tract 3;

Thence along the west line of said Tract 3, partially along a fence line, North 1724.84 foot (plat distance 1715.60 feet to the point of beginning, containing approximately 5.86 acres of land, more or less.

SAVE AND EXCEPT:

Being a 0.066 of an acre tract of land situated within the J.M. Lilly Survey, Abstract No. 985, and being a portion of Tract 3, J.M. Estes Home Tracts, an addition to the City of Kennedale, Tarrant County, Texas as recorded in Volume 1857, Page 283, Plat Records, Tarrant County, Texas and also being a portion of a tract of land described to Patrick M. White and wife, Peggy L. White by deed recorded in Volume 7400, Page 257. Deed Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the northwest corner of said White tract, same being on the south right-of-way line of Kennedale Sublett Road (a variable width right-of-way);

THENCE South 89°58'22" East, with said south right-of-way line, a distance of 124.51 feet to a point for the northeast corner of said White tract, from which a 3/8 inch iron rod found for the northeast corner of a tract of land described to Dempsey S. Farmer and Sandra S. Farmer by deed recorded in Volume 14846, Page 1 of said Deed Records bears South 89°58'22" East, 124.33 feet;

THENCE South 01° 00'16" East, with the east line of said White tract, a distance of 14.93 feet to a 5/8 inch capped iron rod stamped "TNP" set for corner;

THENCE South 89°57'30" West, over and across said White tract, a distance of 44.14 feet to a 5/8 inch capped iron rod stamped "TNP" set for corner;

THENCE South 75° 44'41" West, continuing over and across said White tract, a distance of 57.70 feet to a 5/8 inch capped iron rod stamped "TNP" set for corner;

THENCE South 45°00'00" West, continuing over and across said White tract, a distance of 33.65 feet to a 5/8 inch capped iron rod stamped "TNP" set for corner on the west line of same;

THENCE North 00°59'22" West, with said west line, a distance of 53.02 feet to the point of beginning and containing 0.066 of an acre of land, more or less.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the legal description contained in Schedule "A" as to area or quantity of land is not a representation that such area or quantity is correct, but is made only for informal identification purposes and does not override Item 2 of Schedule "B" hereof.

Exhibit "B"
Magnolia Hills Planned Development District Standards

“Magnolia Hills” Planned Development

The use of the Property shall be subject to the restrictions, terms and conditions set forth in the Concept Plan and the Planned Development standards, attached hereto and as stated below.

1) *Property location and size.*

Magnolia Hills Planned Development (*Subject Property*) is established on property located south of the roundabout/intersection of Wildcat Way and Kennedale Sublett Road. This Planned Development is comprised of two (2) tracts of land consisting of approximately 23 gross acres, more particularly and shown on the Concept Plan, which is attached hereto for all purposes.

2) *Purpose*

To create a Planned Development for ninety-two (92) single family residential lots. The minimum gross density and a net density are as shown on the Concept Plan. An entry feature will be provided at the connection point to Kennedale Sublett Road. This neighborhood will meet at least 5 of the qualifying conditions as laid out in Section 9.2 of the Unified Development Code (UDC). These conditions include; a provision of open space, efficient consolidation of poorly dimensioned parcels, effective transition between higher and lower density uses, shared vehicular and pedestrian access between properties, and mitigation to offset impacts on public infrastructure.

3) *Development plan.*

The proposed Concept Plan will be in complete accordance with the provisions of the approved Planned Development and shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control all building permits.

4) *Lot Composition and Layout.* The lot layout and composition shall generally conform to the *Concept Plan* and stated in *Table 1*, which is as follows:

Table 1: Lot Composition

<i>Lot Type</i>	<i>Lot Size (FT)</i>	<i>Lot Size (SF)</i>
<i>A</i>	50' x 120'	6,000 SF
<i>B</i>	60' x 120'	7,200 SF

5) Unless specifically provided by this Planned Development ordinance, the development standards stipulated by the Single-Family Residential District (R-3) are applicable to all development on the *Subject Property*. The maximum permissible density for the *Subject Property* shall not exceed 4 dwelling units per gross acre of land; however, in no case should the proposed development exceed 92 units. All lots shall conform to the standards depicted in *Table 2*, which is as follows:

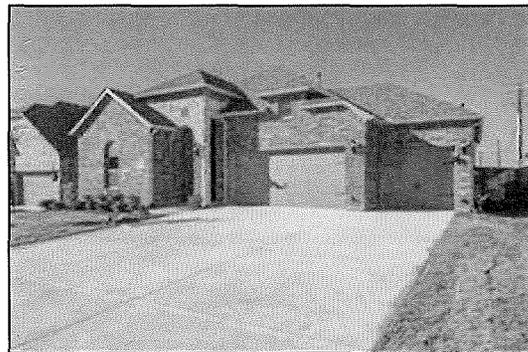
Table 2: Lot Dimensional Requirements

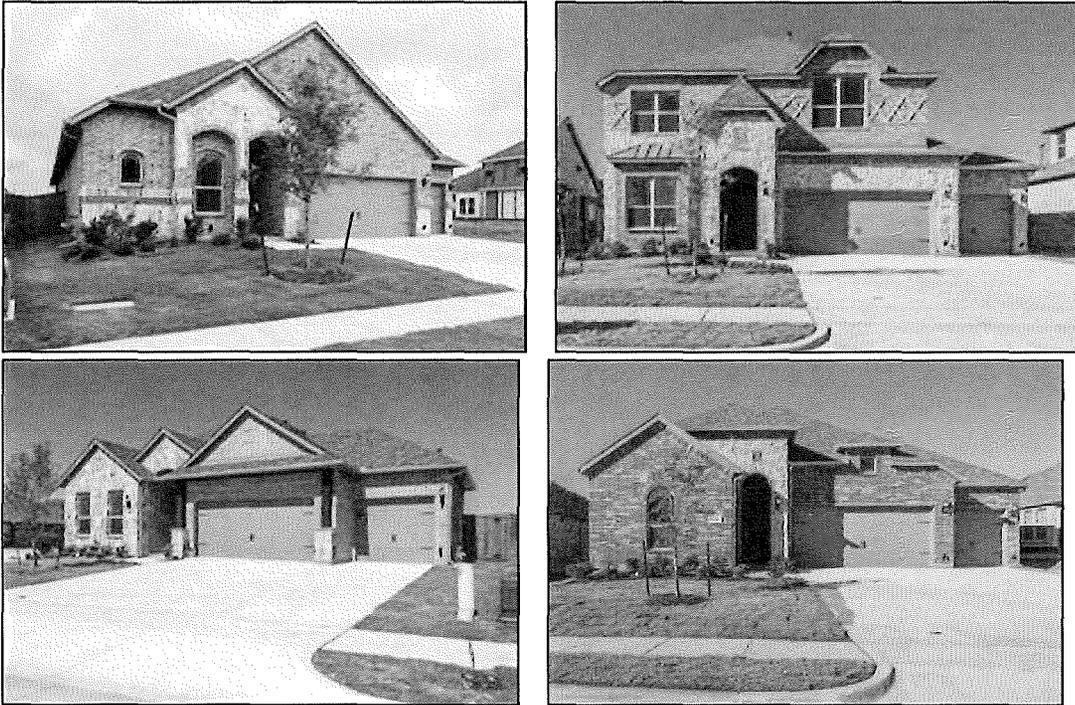
Lot Type (see Concept Plan) ☐	A	B
Minimum Lot Width/Frontage ⁽¹⁾	50'	60'
Minimum Lot Depth	120'	120'
Minimum Lot Area	6,000 SF	7,200 SF
Minimum Front Yard Setback ⁽²⁾	20'	20'
Minimum Side Yard Setback	5'	5'
Minimum Side Yard Setback (Adjacent to a Street)	10'	10'
Minimum Length of Driveway Pavement	20'	20'
Maximum Height	40'	40'
Minimum Rear Yard Setback	10'	10'
Minimum Area/Dwelling Unit (SF)	1,800 SF	1,800 SF
Maximum Lot Coverage	65%	65%

General Notes:

- ¹: Lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may have the front lot width reduced, provided that the lot width will be met at the front building line. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to 10%, but shall meet the minimum lot size for each lot type as referenced within Table 1.
- ²: The Director of Planning or his designee may grant a reduction in the required 20-foot front yard building setback of up to five (5) feet for lots situated along cul-de-sacs or curvilinear streets, or where a 20-foot front yard building setback would create an undue hardship on the property.

6) *Community Architectural Controls.*
The pictures are shown as a representation only.





- A) Architectural attributes for this residential development will consist of the following:
- 1) Facades will avoid large expanses of uninterrupted single exterior materials and must be broken up by changes in plane through architectural attenuation, accented with the effects of window placement, window trim, or material type and color changes.
 - 2) Shutters, if provided, will be sized and shaped to match the associated openings.
 - 3) Gutters, if provided, will be exposed or painted copper, galvanized steel, or aluminum if exposed to the street.
 - 4) All asphalt roof shingles will be laminated architectural shingles with a three-dimensional appearance and warranted for at least thirty (30) years.
 - a) *Roof Materials.*
 - i. All roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).
 - 5) A minimum of overall 8:12 roof pitch is required on all structures with the exception of sunrooms, covered patios, and porches, which shall have a minimum of a 4:12 roof pitch. Front and rear elevations may have 6:12 roof pitch.
 - 6) In order to encourage variety on a continuous block, the exterior facades for houses will vary within every 6 houses. Once a house is constructed the same combination of brick, stone, masonry-like materials, and paint will not be used within four (4) houses on either side of that house.
 - a) Identical brick blends or paint colors may not occur on adjacent (side-by-side) properties along any block face without at least four (4) intervening homes of

differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.

- b) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - i. Number of stories
 - ii. Permitted encroachment type and layout
 - iii. Roof type and layout
 - iv. Articulation of the front façade
- 7) The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone and cast stone. Cementaceous fiberboard, horizontal lap-siding (*e.g. HardiBoard or Hardy Plank, Hardi Stucco Board*) and, stucco (*i.e. three [3] part stucco or a comparable -- to be determined by staff*) may all be used in addition to the masonry requirement.
- 8) Any home with a covered front porch shall be at least fifty (50) square feet in total size to allow this space to be usable. A covered porch may encroach into area designated as front yard or side yard not greater than five (5) feet to help improve the architecture of the home and the character of the street.
- 9) Garages shall be oriented in a front entry configuration or a “J” Swing configuration. If a front entry garage configuration is utilized there shall be a minimum driveway length of 20-feet.
- 10) Decorative street lighting will be utilized and will conform to Oncor and City of Kennedale standards and include the following if approved by and available from Oncor: low profiling lighting; *or* induction lights (LED), scotopic lumens allowing street lights with lower wattages and lower photopic lumens. Lighting shall be consistent with the design of the neighborhood and shall be distinguished from lights on adjacent or nearby arterial streets.
 - a) Light poles shall not exceed 20-feet in total height (i.e. base and lighting standard). All fixtures shall be directed downward and be positioned to contain all light within the development area.

- 11) The landscape design along Kennedale Sublett Road will utilize tubular steel fencing and architectural features at the entrance to the subdivision.



- 12) All common open space, landscaping in open space areas, private roads, drainage areas and masonry columns will have a mandatory Home Owners' Association (HOA) to maintain those improvements.
- 13) *Utility, Service and Mechanical Equipment*
- a) All equipment related to utilities intended to serve one Lot shall be installed by the Owner of the Lot and shall be located underground if possible.
 - b) All services to the Lot, including pre-wiring for cable television, must be installed underground if available.
 - c) Ground-mounted mechanical equipment, such as HVAC units, shall be screened from view and grouped together away from street and public view. Private, surface-mounted mechanical equipment, air conditioners, condensers, compressors, pool equipment, switches, etc. should be placed behind the side yard fence of a Lot.
- 14) All wood fencing will be constructed of spruce and shall comply with the following:
- a) All wood fences shall be constructed of a standard fencing material and use fasteners that are hot dipped galvanized or stainless steel. Generally, the Wood Fences shall be spruce or whitewood, with a maximum height of 6 feet, with metal posts. Wood fences facing onto a street shall be painted and/or stained and sealed with all pickets being placed on the *public side* facing the street. All wood fences shall be pre-stained, smooth-finished, free of burs and splinters, and be a maximum of six (6) feet in height.
 - b) The side yards and rear yards of all residential lots shall have a minimum six-foot (6') high spruce fence to be installed by the builder and maintained by homeowner. The wood fences cannot be located in front of the front façade of the building.
- 15) Wrought Iron/Tubular Steel fencing shall be installed on the lot lines that are abutting green space, green belts and parks. These fences will be installed by the homebuilder and can be a maximum of six (6) feet in height. Open space Lot 2X, Block F shall have spruce fencing as the open space border. This spruce fencing shall be installed by the

developer.

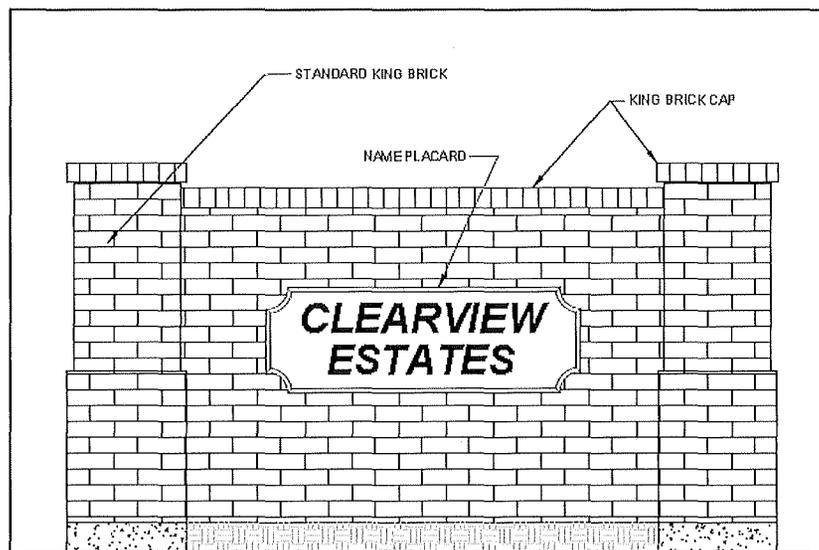
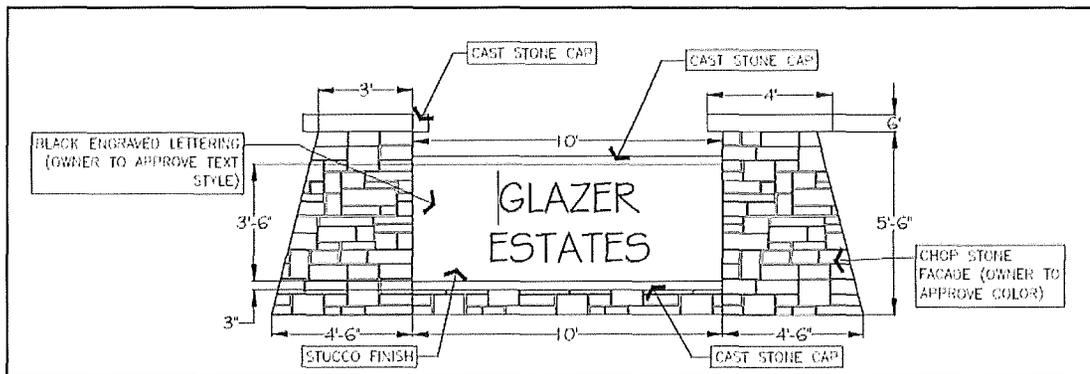
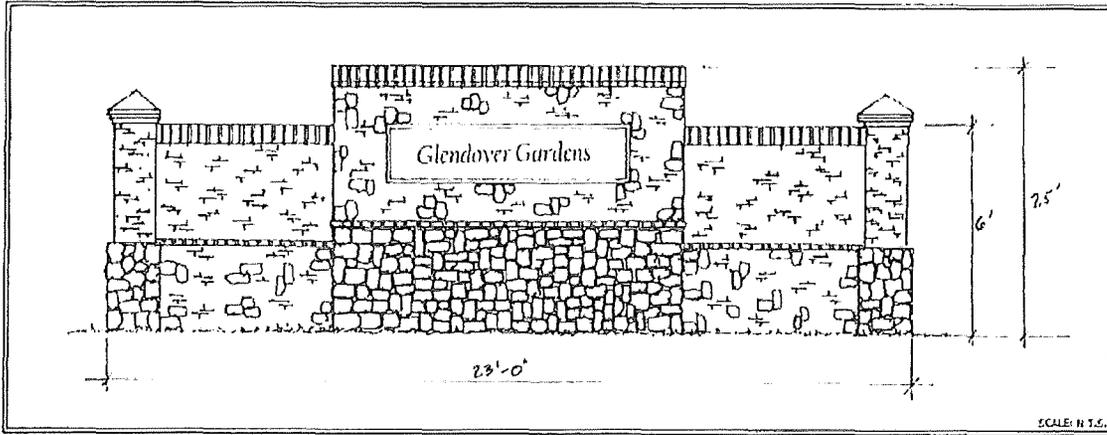
- 16) The HOA shall require builder(s) to provide at least two (2) single-story options for homebuyer consideration.

7) *General conditions.*

A) *Landscaping and Open Space.*

- 1) The City's Landscaping ordinance will supersede where this ordinance is silent. This ordinance will supersede to resolve any conflicts.
- 2) The development shall consist of no less than 3 acres of open space and shall generally conform to the Concept Plan. Any open space within the development may be used as a detention pond or retention pond. Within the open spaces, there will be a minimum amount of amenities included in at least one of the open spaces. The minimum amount of amenities shall include: benches, trash cans and a shade structure. Due to the amount of open space being provided on this project, the all fees associated with the City of Kennedale parks department shall be waived.
- 3) There will be a minimum of two 3" caliper trees per residential lot located in the front yard and installed by the homebuilder. All tree locations and types will conform to the City of Kennedale ordinances. For purposes of this section only (Section 7.A.3), the term "front yard" includes the area within the dedicated right-of-way for a roadway immediately adjoining the front yard of the lot.
- 4) There will be a minimum of 6 three-gallon (3 gal) shrubs per residential lot located in the front yard. All shrub locations and types will conform to the City of Kennedale ordinances.
- 5) All lawns and landscaping will be irrigated.
- 6) Landscaping will be installed by the developer at the entry to the subdivision and in common areas, including within the right-of-way for Kennedale Sublett Road and along the subdivision wrought iron/tubular steel fencing, and along the right-of-way on Kennedale Sublett Road adjacent to the planned development district.
 - a) Landscaping shall be irrigated
 - b) The following plant types shall be included in the landscaping along the Kennedale Sublett Road right-of-way:
 - i. Five-gallon (5 gal) shrubs;
 - ii. Three-inch (3") caliper trees with one planted at least every forty (40) feet.
- 7) The entry of the subdivision will include a minimum of one (1) entry statement at the connection of Collett Sublett to the roundabout on Kennedale Sublett. This will serve as a permanent subdivision identification sign and will generally conform to the signage depicted below. Final design and location of any entry feature shall be reviewed and approved with the Preliminary Plat. The following sketches are representations of what maybe installed at the entry to the subdivision:

MONUMENT SIGNAGE



- 8) Landscaping installed by the developer shall be maintained by the Homeowners'

Association (HOA).

- 9) *Right-Of-Way.* Street right-of-way within the subdivision will be equal to 50' in width and have a 27' back to back paving section. Collett Sublett will be a 65' right-of-way with a 32' back to back paving section. There will be sections of Collett Sublett that will taper down to a 22' back to back paving section, to serve as "traffic calming sections." There will be a minimum of 2 of these "traffic calming sections" along Collett Sublett. All houses on Collett Sublett shall face the street and shall have driveways accessing Collett Sublett. Where the street sections are tapered down to a 22' back to back paving section, there will be additional landscaping.
- 10) *Lot Area and Setbacks.* Lot areas and setbacks will be as shown on the Concept Plan and as in *Table 2*.
- 11) *Minimum Floor Area per dwelling unit.* All lots will have a minimum of 1,800 square feet of dwelling space.
- 12) *Perimeter Walls/Screening.* The perimeter fencing adjacent to Kennedale Sublett Road will be a minimum of 6' in height and be constructed of tubular steel.

B) Sidewalk Requirements.

- 1) Sidewalks will be required throughout the development. If not installed by the developer, sidewalks along residential lots (front yards and side yards) are to be constructed by the home builder at the time of home construction for each residential lot.
- 2) Sidewalks shall be a minimum of four (4) feet in width. All trails within the development will be six (6) feet in width. The trail around the retention/detention pond will be four (4) feet in width and will be made of natural material, such as mulch, gravel and other natural materials.

C) Access to the public parks will be provided within the development.

- 1) Access shall comply with accessibility standards and fire code

8) *Homeowners' Association.*

Homeowner's Association (HOA). A Homeowner's Association shall be created to enforce the restrictions established in accordance with the HOA requirements of the City of Kennedale UDC. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.

Exhibit "C" Magnolia Hills Concept Plan



ALL DIMENSIONS IN FEET
 PERMITTED TO BE ADJUSTED
 BY THE LOCAL GOVERNMENT
 UPON RECEIPT OF THE NECESSARY
 PERMITS AND APPROVALS

