

**ORDINANCE NO. 619**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING THE SCHEDULE OF USES IN ARTICLE 7, EMPLOYMENT CENTER DISTRICTS, TO ALLOW HOTEL/MOTEL AS A PERMITTED USE IN THE EC-2 DISTRICT AND THE FOLLOWING USES AS A CONDITIONAL USE IN THE EC-1 AND EC-2 DISTRICTS: RESTAURANT WITH DRIVE-THROUGH; WIND ENERGY TURBINE; SOLAR ENERGY EQUIPMENT; GENERAL OFFICES AND SERVICES, BANK/FINANCIAL SERVICES WITH DRIVE-THROUGH FACILITY; GENERAL OFFICES AND SERVICES WITH A DRIVE-THROUGH; VEHICLE REPAIR, MINOR; AND VEHICLE SALES AND RENTAL: AUTOMOBILES, LIGHT TRUCKS, BOATS; AMENDING THE SCHEDULE OF USES IN ARTICLE 4, OLD TOWN DISTRICTS, TO ALLOW DWELLING, 3-FAMILY, AND DWELLING, 4-FAMILY, IN THE OT-2 AND OT-4 DISTRICTS; REMOVING DWELLING, MULTI-FAMILY AS A PERMITTED USE IN THE OT-3 AND OT-4 DISTRICTS; ALLOWING GROUP HOUSING, INDEPENDENT AND ASSISTED LIVING AS A PERMITTED USE IN THE OT-4 DISTRICT AND AS A SPECIAL EXCEPTION USE IN THE OT-2 DISTRICT, ALLOWING BAKERY, RETAIL 2,000 SQUARE FEET OR MORE OF GROSS FLOOR AREA AS A PERMITTED USE IN THE OT-4 DISTRICT, REMOVING TAVERN AS A PERMITTED USE IN THE OT-3 AND OT-4 DISTRICTS; ADDING COTTAGE FOOD PRODUCTION AS A PERMITTED USE IN THE OT-1, OT-2, AND OT-3 DISTRICTS; AND ALLOWING MANUFACTURING, PROCESSING AND PACKAGING AND MANUFACTURING, PROCESSING AND PACKAGING-LIGHT, AND ASSOCIATED RETAIL SALES AS A SPECIAL EXCEPTION USE IN THE OT-4 DISTRICT; AND ALLOWING MACHINE SHOP AS A SPECIAL EXCEPTION IN THE OT-2 AND OT-4 DISTRICTS; AMENDING ARTICLE 22, GENERAL PROCEDURES AND AMENDMENTS, BY ELIMINATING SECTION 22.9.C.2.B.; AMENDING ARTICLE 26, SUBDIVISION REVIEW, SECTION 26.13, CONSTRUCTION PLANS AND INSTALLATION OF IMPROVEMENTS; 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 December 15, 2016, and the City Council of the City of Kennedale, Texas held a public hearing on December 19, 2016, with respect to the amendments described herein; and

**WHEREAS**, the City has complied with all requirements of Chapter 211 of the Local Government Code, Section 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.**

Table 7.2, "Schedule of Uses," of Article 7, "Employment Center Districts," of the Unified Development Code of the City of Kennedale, Texas, as amended, is amended to read as shown in Exhibit "A" attached hereto and incorporated herein.

**SECTION 2.**

Table 4.2, "Schedule of Uses," of Article 4, "Old Town Districts" of the Unified Development Code of the City of Kennedale, Texas, as amended, is amended to read as shown in Exhibit "B" attached hereto and incorporated herein.

**SECTION 3.**

Article 22, "General Procedures and Amendments," of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended by repealing Section 22.9.C.2.b.

**SECTION 4.**

Section 26.13.E of Article 26, "Subdivision Review," of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

E. *Final Walk-Through and Construction Debris.* The developer of a subdivision shall arrange for a final walk-through inspection with the Director of Public Works. No cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of completion of public facilities. Removal of all debris and waste shall be required prior to approval and acceptance of all public improvements and prior to the issuance of any building permit or certificate of occupancy.

#### **SECTION 5.**

This Ordinance shall be cumulative of all provisions of ordinances and of the Unified Development Code of the City of Kennedale, Texas (2016), 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 6.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, 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 7.**

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 8.**

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 zoning 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.

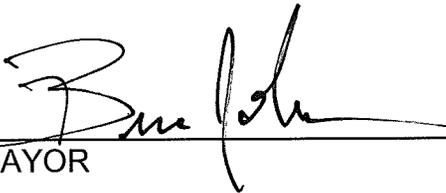
**SECTION 9.**

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 10.**

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 DECEMBER, 2016.**

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

EFFECTIVE: 12-24-16

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
CITY ATTORNEY

