

**ORDINANCE NO. 621**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING ARTICLE 20, NATURAL RESOURCES MANAGEMENT, SECTION 20.4 NEW DEVELOPMENTS; BY AMENDING ARTICLE 13 LANDSCAPING, SCREENING, AND LIGHTING, SECTION 13.6 BUFFERING; AND BY AMENDING ARTICLE 5 VILLAGE DISTRICTS, SECTION 5.3 FORM AND CHARACTER; 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 January 19, 2017, and the City Council of the City of Kennedale, Texas held a public hearing on January 23, 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, 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.**

Sub-section 13.6.C.3 "Privacy Fence" of Article 13, "Landscaping, Screening, and Lighting" of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

### **C. Privacy Fence.**

1. A privacy fence may be used to supplement landscaping. For the linear footage a privacy fence is used, the minimum landscaping requirement shall be reduced by 75 percent, except as noted under sub-section (3), below. Minimum buffer width must be maintained.

2. To qualify for the reduction in minimum landscaping requirement, privacy fences must meet the following requirements:

- a. Six (6) foot minimum height.
- b. Placed at least five (5) feet from the property line.
- c. Gaps between pickets must be no greater than one-half ( $\frac{1}{2}$ ) of an inch.

3. For development within an "I" Industrial zoning district or within a "C-2" general commercial zoning district adjacent to a Type 1 zoning district (as shown in Table 13.6), a solid screening fence is required, and the minimum landscaping requirement shall be reduced by 50 percent.

- a. The fence shall have a minimum height of six (6) feet and a maximum height of eight (8) feet.
- b. The fence shall be of the following materials: wood, exposed aggregate tilt wall, fired masonry, or other approved masonry material. Wood screening fences must have metal framing.
- c. A person erecting a wood screening fence shall ensure that the smooth side faces adjoining streets and the posts and rails face the interior of the lot.

## **SECTION 2.**

Section 5.3.E.1 "Building Form Standards" of Article 5, "Village District," of the Unified Development Code of the City of Kennedale, Texas, as amended, is amended to add sub-section d, to read as follows:

d. Materials. A minimum of 80 percent masonry material is required on facades all facades, with masonry defined as brick, stone, cast stone, or stucco (3-step). Masonry materials not specifically listed above, such as cementitious fiber, granite, or glass block, may be used if permitted in writing by the director of development or designee and will be reviewed by the City according to quality, durability, and whether it fits the character of the district.

### **SECTION 3.**

Section 20.4.B "Residential Developments" of Article 20, "Natural Resources Management" of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

B. Residential Developments. All areas within street rights-of-way, utility or drainage easements as shown on a preliminary plat approved by the Planning & Zoning Commission shall be exempt from the tree protection and replacement requirements specified herein. The developer may request the Administrator to allow trees within potential building pad areas to be included in the exemption described herein. All other area shall be subject to these requirements. If trees are removed from exempt areas based on an approved preliminary plat, and a revised preliminary plat or a final plat is later approved such that the trees original exempt would no longer be exempt if still in place, such trees shall be replaced in accordance with Section 20.8.

### **SECTION 4.**

Section 20.4.C "Nonresidential Developments" of Article 20, "Natural Resources Management" of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

C. Nonresidential Development. All areas within street rights-of-way and utility or drainage easements as shown on a preliminary plat approved by the Planning & Zoning Commission, plus fire lanes, parking areas to meet minimum parking requirements, and building pad as shown on an approved site plan, shall be exempt from the tree protection and replacement requirements specified herein. Any parking areas in excess of the minimum parking requirements shall not be exempt from the tree protection and replacement requirements. In addition, trees exempted from the protection and replacement requirements due to being located in an exempt area shown on an approved preliminary plat shall be replaced in accordance with Section 20.8 if they are removed and the areas shown as exempt on the preliminary plat are no longer exempt as shown on a revised preliminary plat or a final plat.

### **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.

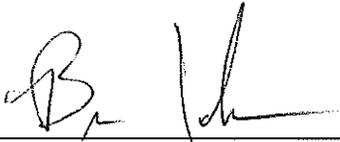
## **SECTION 9.**

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 23<sup>RD</sup> DAY OF JANUARY, 2017.



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MAYOR, BRIAN JOHNSON

ATTEST:



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CITY SECRETARY, LESLIE GALLOWAY

EFFECTIVE: February 2, 2017

APPROVED AS TO FORM AND LEGALITY:



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CITY ATTORNEY