

ORDINANCE NO. 605

AN ORDINANCE ADOPTING A UNIFIED DEVELOPMENT CODE TO REGULATE LAND USE WITHIN THE CITY OF KENNEDALE, TEXAS; ESTABLISHING ZONING DISTRICTS TO REGULATE AND RESTRICT THE USE OF PROPERTY FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND OTHER PURPOSES; REGULATING PARKING, LANDSCAPING, SCREENING, LIGHTING, SIGNS, BUILDING DESIGN AND MATERIALS; PROVIDING FOR THE SUBMISSION OF SITE PLANS, SUBDIVISION PLATS AND OTHER DEVELOPMENT APPLICATIONS; PROVIDING REGULATIONS FOR FLOOD DAMAGE PREVENTION, STORMWATER PROTECTION, EROSION AND SEDIMENT CONTROL; PROVIDING FOR PROCEDURES FOR REVIEW, APPROVAL AND ADMINISTRATION OF THESE REGULATIONS; 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, 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, pursuant to Chapter 212 of the Local Government Code, the City has adopted regulations governing the subdivision and platting of land within the City and the provision of services in connection with the development of such land; and

WHEREAS, in order to promote the public health, safety and general welfare the City Council desires to update and amend the city's regulations related to zoning, platting and the development and use of land in order to implement the comprehensive land use plan; and

WHEREAS, the City Council has determined that a Unified Development Code is the best means of implementing the vision and goals of the comprehensive land use plan; and

WHEREAS, the City Council heretofore adopted regulations restricting the location of sexually oriented businesses within the City based upon studies, reports, and

findings regarding the harmful effects of sexually oriented businesses on surrounding land uses and has determined that the basis for such regulations are applicable to the regulations adopted in the Unified Development Code; and

WHEREAS, the City Council heretofore adopted regulations governing fencing, screening, signs, amusement machine establishments, garage sales, secondary metal recyclers, mobile homes, manufactured homes, recreational vehicles, natural resources management, wellhead protection areas, stormwater protection, flood damage prevention, erosion and sediment control, and other regulations pertaining to the development and use of land within the City and has determined that such regulations should be included in a Unified Development Code; and

WHEREAS, the Planning and Zoning Commission of the City of Kennedale, Texas held a public hearing on August 18, 2016, and the City Council of the City of Kennedale, Texas held a public hearing on September 19, 2016, with respect to the adoption of the Unified Development Code; and

WHEREAS, the City has complied with all requirements of Chapters 211 and 212 of the Local Government Code, Section 17-429 of the Zoning Ordinance, and all other laws dealing with notice, publication, and procedural requirements for the approval of the regulations in the Unified Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS THAT:

SECTION 1.

The Unified Development Code attached hereto as Exhibit "A" is hereby adopted for the purpose of governing the development and use of property within the City of Kennedale. The Unified Development Code shall be cumulative of and in addition to other regulations in the City Code governing the development and use of property.

SECTION 2.

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, 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. The following chapters, articles, and sections of the City Code are hereby repealed:

CHAPTER 17 - PLANNING AND LAND DEVELOPMENT

ARTICLE VIII - FENCING AND SCREENING, OF CHAPTER 4 – BUILDINGS AND BUILDING REGULATIONS

SECTION 11-131 - HOURS OF OPERATION, OF ARTICLE V - AMUSEMENT MACHINE ESTABLISHMENTS, OF CHAPTER 11 – LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

SECTIONS 11-203.1 - HOURS OF OPERATION, 11-204 – LOCATION, AND 11-204.1 - NONCONFORMING USES, OF ARTICLE VIII - SEXUALLY ORIENTED BUSINESSES, OF CHAPTER 11 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE IX - GARAGE SALES, OF CHAPTER 11 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

CHAPTER 13 - MOBILE HOMES, MANUFACTURED HOMES AND RECREATIONAL VEHICLES

ARTICLE VI - NATURAL RESOURCES MANAGEMENT, OF CHAPTER 16 – PARKS, RECREATION AND CULTURAL ACTIVITIES

DIVISION 3 – WELLHEAD PROTECTION AREAS, OF ARTICLE II – MUNICIPAL WATER SYSTEM, OF CHAPTER 23 – WATER, SEWERS AND SEWAGE DISPOSAL

ARTICLE VII - STORMWATER PROTECTION, OF CHAPTER 23 – WATER, SEWERS AND SEWAGE DISPOSAL

SECTION 3.

It is hereby declared to be the intention of the City Council that if the sections, paragraphs, sentences, clauses, or phrases 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, clauses, 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 4.

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 the Unified Development Code shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including the dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the ordinances and code provisions repealed herein, or any ordinances or code provisions governing the development and use of land 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 6.

The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption, Section 1, 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.

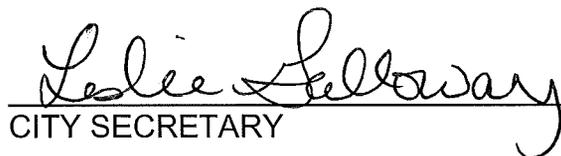
SECTION 7.

This Ordinance shall be in full force and effect from and after beginning on October 1, 2016 and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 19TH DAY OF SEPTEMBER, 2016.


MAYOR

ATTEST:


CITY SECRETARY



EFFECTIVE: 9-24-11

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY

**City of Kennedale, Texas
Unified Development Code**



City Council Final Draft- September 13, 2016



TO: Kennedale Project Steering Committee
FROM: David M. Jirousek, AICP
DATE: March 18, 2016
SUBJECT: Ordinances to Repeal

CHAPTER 4, ARTICLE VIII. – FENCING AND SCREENING

Repeal and include in UDC:

- Entire.

CHAPTER 17, PLANNING AND LAND DEVELOPMENT

Repeal and include in UDC:

- Entire.

CHAPTER 11, ARTICLE V. – AMUSEMENT MACHINE ESTABLISHMENTS

Repeal and include in UDC:

- Sec. 11-131. – Hours of operation (include reference to UDC).

Provide Reference in UDC:

- CHAPTER 11, ARTICLE V. – AMUSEMENT MACHINE ESTABLISHMENTS (entire article reference).

CHAPTER 11, ARTICLE VIII. – SEXUALLY ORIENTED BUSINESSES

Repeal and include in UDC:

- Sec. 11-203.1. – Hours of operation (include reference to UDC).
- Sec. 11-204. – Location (include reference to UDC).
- Sec. 11-204.1. – Nonconforming uses (include reference to UDC).

Provide Reference in UDC:

- Sec. 11-205. – License—Required.
- Sec. 11-206. – Same—Application.

CHAPTER 11, ARTICLE IX. – GARAGE SALES

Repeal and include in UDC:

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- Entire.

CHAPTER 11, ARTICLE X. - SECONDARY METAL RECYCLERS

Repeal and include in UDC:

- N/A.

Provide Reference in UDC:

- CHAPTER 11, ARTICLE X. - SECONDARY METAL RECYCLERS (entire article reference).

CHAPTER 11, ARTICLE XI. - ALCOHOLIC BEVERAGES

Repeal and include in UDC:

- N/A.

Provide Reference in UDC:

- Sec. 11-274. - Proximity to churches, public or private schools, and public hospitals.

CHAPTER 13, MOBILE HOMES, MANUFACTURED HOMES AND RECREATIONAL VEHICLES

Repeal and include in UDC:

- Entire.

CHAPTER 16, ARTICLE VI. - NATURAL RESOURCES MANAGEMENT

Repeal and include in UDC:

- Entire.

CHAPTER 23, ARTICLE II. - MUNICIPAL WATER SYSTEM, DIVISION 3. - WELLHEAD PROTECTION AREAS

Repeal and include in UDC:

- Entire.

CHAPTER 23, ARTICLE III. - SEWERS AND SEWAGE DISPOSAL

Repeal and include in UDC:

- N/A.

Provide Reference in UDC:

- Sec. 23-73. - Buildings requiring connection to sewer.
- Sec. 23-74. - When septic tank use allowed; standards.

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CHAPTER 23, ARTICLE VII. - STORMWATER PROTECTION

Repeal and include in UDC:

- Entire.