

ORDINANCE NO. 674

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS, BY ADDING A NEW "R-4" SINGLE-FAMILY DISTRICT AND PROVIDING FOR NEW R-4 DISTRICT REGULATIONS BY AMENDING SECTION 3.1 "PURPOSE", TABLE 3.2 "SCHEDULE OF USES: AGRICULTURAL AND RESIDENTIAL DISTRICTS", TABLE 3.3 "SPATIAL REQUIREMENTS: AGRICULTURAL AND RESIDENTIAL DISTRICTS", SECTION 10.9. C.1. "DWELLINGS PER LOT", SECTION 11.2 "ACCESSORY BUILDINGS", SECTION 11.30 "RESIDENTIAL SALES", SECTION 11.36 "SEXUALLY ORIENTED BUSINESSES", SECTION 11.38 "TEMPORARY USES", SECTION 12.8 "REQUIRED OFF-STREET PARKING", SECTION 13.2 "GENERAL LANDSCAPING REQUIREMENTS", TABLE 13.6 "BUFFER AREA LANDSCAPE REQUIREMENTS", AND SECTION 29.5 "BOARD OF ADJUSTMENT"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AND EFFECTIVE DATE.

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

**WHEREAS**, the City Council has adopted the City of Kennedale Unified Development Code ("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**, the City Council deems it necessary and in the best interest of the public health, safety and welfare to adopt a new R-4 zoning district for residential uses which may in the future be located within the city; and

**WHEREAS**, the Planning and Zoning Commission of the City of Kennedale, Texas, held a public hearing on August 15, 2019, and the City Council of the City of Kennedale, Texas, held a public hearing on August 20, 2019, 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, TEXAS, THAT:**

**SECTION 1.**

Section 3.1 "Purpose" of the Unified Development Code is hereby amended to read as follows:

"Section 3.1 Purpose

This article outlines the Agricultural and Residential Zoning Districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots.

A. *Agricultural District (AG)*. The AG District is established to be used primarily in areas where agricultural uses or open space currently exist and are planned to be preserved.

B. *Single-Family Residential District (R-1)*. The R-1 District is established to allow for larger, single-family dwellings on large lots. This district is intended to provide a more rural residential setting.

C. *Single-Family Residential District (R-2)*. The R-2 District permits dwellings on smaller lots.

D. *Single-Family Residential District (R-3)*. The R-3 District permits dwellings on smaller lots allowing for affordable housing for residents and is intended to accommodate development in existing subdivisions and new development.

E. *Single-Family Residential District (R-4)*. The R-4 District permits dwellings on lots smaller than those lots within R-3, allowing for affordable housing for residents and is intended to accommodate development in existing subdivisions and new development.

F. *Two-Family Residential District (D)*. The D District is established to allow more affordable housing for both rental and ownership, as well as for a more diverse housing stock. This district is established to meet the needs for two-family residential development where such areas are suitable for higher densities than traditional areas of single-family dwellings.

G. *Multi-Family Residential District (MF)*. The MF District is established to meet the needs for medium to high density residential development where such areas are suitable for higher impact development and higher volume traffic while encouraging the provision of conveniently located rental accommodations.

H. *Manufactured Home District (MH)*. The MH District is intended to provide for quality manufactured home park subdivision development containing many of the characteristics and atmosphere of a conventional type single-family residential subdivision."

## SECTION 2.

Table 3.2 “Schedule of Uses: Agricultural and Residential Districts” of the Unified Development Code is hereby amended to read as follows:

Table 3.2 Schedule of Uses: Agricultural and Residential Districts									
Use	AG	R-1	R-2	R-3	R-4	D	MF	MH	Other
<b>Accessory Uses</b>									
Accessory buildings	P	P	P	P	P	P	P	P	11.2
Garage sales	P	P	P	P	P	P	P	P	11.10
Holiday tree and firewood sales	S								11.17
Home occupation	P	P	P	P	P	P	P	P	11.18
Outdoor display, accessory retail sales									11.23
Outdoor display, temporary accessory retail sales									11.24
Outdoor storage, commercial and industrial									11.25
Residential sales	P	P	P	P	P	P	P	P	11.30
Solar energy equipment	P	P	P	P	P	P	P	P	11.37
<b>Accommodations, Hospitality, Entertainment</b>									
Banquet hall									
Bed and breakfast	S	S	S	S	S	S	P		
Hotel/motel									
Micro-brewery									
Micro-winery with vineyard									
Micro-winery without vineyard									
Private club									
Recreation facility, campground	S								
Recreation facility, commercial indoor									
Recreation facility, commercial indoor, amusement machine establishment									11.26
Recreation facility, commercial indoor-pool or billiards hall									
Recreation facility, commercial indoor-gun shooting range	S								11.27
Recreation facility, commercial indoor-paintball or other survival games									
Recreation facility, commercial outdoor									11.28
Recreation facility, commercial outdoor- paintball or other survival games	S								11.28
Recreation facility, community-based	S	S	S	S	S	S	S	S	
Recreation facility, driving range	P								
Recreation facility, golf course	P	S	S	S	S	S	S	S	
Recreation facility, recreational vehicle park								P	11.29
Recreation facility, rodeo ground and arena	S								
Recreation facility, vehicular racing facility									
Restaurant									
Restaurant with drive-through									11.31
Restaurant with micro-brewery or micro-winery									
Restaurant with outdoor dining or service									
Tavern									
Theater, movie, indoor									

**Table 3.2 Schedule of Uses: Agricultural and Residential Districts**

Use	AG	R-1	R-2	R-3	R-4	D	MF	MH	Other
<b>Agricultural</b>									
Agricultural operation or farm	P	S	S	S	S				11.3
Agribusiness and feed store (without animal sales)	P								
Agribusiness and feed store (with animal sales)	S								
Agritourism	P								
Farmers market	S								
Greenhouse and nursery, commercial	A								11.15
Keeping of animals, hobby farm	P								
Roadside (produce) stand	S								11.32
Stables, private	P	S							
Stables, public/commercial	P								
Winery, with vineyard	P								
<b>Industrial</b>									
Impound vehicle storage facility									11.19
Landfill									
Manufacturing, processing and packaging- light									11.20
Manufacturing, processing and packaging- light,									11.20
Manufacturing, processing and packaging- heavy									11.20
Mining and mineral extraction operation									11.22
Outdoor storage, commercial and industrial									11.25
Salvage operations									11.33
Warehousing									
Wholesale and distribution									
Mini-warehouse/self-storage									
Winery, without vineyard									
<b>Infrastructure, Transportation, Communications</b>									
Airport									11.5
Airstrip	S								11.5
Bus terminal									
Essential services	P	P	P	P	P	P	P	P	11.9
Drilling and production of oil and gas	S	S	S	S	S	S	S	S	11.7
Freight terminal, railroad									
Freight terminal, trucking									
Gathering and compression station	S	S	S	S	S	S	S	S	11.7
Helicopter landing pad	S								11.5
Infrastructure and utilities- regional	S	S	S	S	S	S	S	S	
Parking facility, public or commercial									
Satellite transmission antenna	S	S	S	S	S	S	S	S	11.34
Waste management facility									
Waste management facility- transfer station									
Wind energy turbine	S								11.41
Wireless communication facility	S	S	S	S	S	S	S	S	11.42
<b>Institutional/Civic</b>									
Cemetery	S	S	S	S	S	S	S	S	
Community oriented cultural facility	P	P	P	P	P	P	P	P	
Community public safety- fire	P	P	P	P	P	P	P	P	
Community public safety- police	S	S	S	S	S	S	S	S	

**Table 3.2 Schedule of Uses: Agricultural and Residential Districts**

Use	AG	R-1	R-2	R-3	R-4	D	MF	MH	Other
Community public safety- prison or penitentiary									
Governmental facility	P								
Meeting facility									
Parks, playgrounds, outdoor recreation	P	P	P	P	P	P	P	P	
Place of worship	P	P	P	P	P	P	P	P	
School, college or university	S	S	S	S	S	S	S	S	
School, elementary, middle, high school	P	P	P	P	P	P	P	P	
School, nursery or kindergarten	S	S	S	S	S	S	S	S	
School, specialized/training									
<b>Offices and Services</b>									
Animal services, animal clinic/hospital									11.4
Animal services, commercial kennel	S								11.4
Animal services, shelter or rescue	S								11.4
Body branding, piercing and tattoo facility									
Child care center									11.6
Crematorium									
General offices and services, alternative financial									11.11
General offices and services, bank/financial services									
General offices and services, bail bond establishment									11.12
General offices and services- business services									
General offices and services- business support services									
General Offices & Services- Construction and Building Services, outdoor storage									11.25
General offices and services- gunsmith and sales									
General offices and services- personal services									
General offices and services- personal services- funeral home (without crematory services)									
General offices and services- personal services- laundry and dry cleaners									
General offices and services- professional and administrative services									
General offices and services- with a drive through facility									
Medical services, clinics									
Medical services, medical offices									
Medical services, hospital									
Vehicle repair, major									11.39
Vehicle repair, minor									
Vehicle wash									
Vehicle wash, trucks and heavy equipment									
<b>Residential</b>									
Day care, child day care home	P	P	P	P	P	P	P	P	11.6
Day care, group home day care home	S	S	S	S	S	S		S	11.6
Dwelling, attached accessory	S	S	S	S	S	S	S	S	11.8
Dwelling, detached accessory	S	S	S	S	S	S	S	S	11.8

**Table 3.2 Schedule of Uses: Agricultural and Residential Districts**

Use	AG	R-1	R-2	R-3	R-4	D	MF	MH	Other
Dwelling, multi-family							P		
Dwelling, multi-family, upper floor									
Dwelling, single-family	P	P	P	P	P	P	P	P	
Dwelling, single-family attached							P		
Dwelling, two-family						P	P		
Group housing, adult group home	P	P	P	P	P	P	P		11.16
Group housing, boarding (rooming) house							P		
Group housing, convalescent or nursing home							P		
Group housing, fraternity or sorority home							P		
Group housing, halfway house	S	S	S	S	S	S		S	
Group housing, independent and assisted living							P		
Live-work unit									
Manufactured home community								P	11.21
<b>Retail</b>									
Bakery, retail- under 2,000 square feet of gross floor area									
Bakery, retail- 2,000 square feet or more of gross floor area									
General retail (indoor)									
General retail (indoor)- over 50,000 square feet of gross floor area									11.13
General retail (outdoor)									
General retail, alcohol sales									11.14
General retail (indoor)- auto parts									
General retail (indoor)- pawnshop									11.11
General retail with a drive-through									
Liquefied petroleum gas (LPG) sales									
Service station									11.35
Vehicle sales and rental: automobiles, light trucks, boats									11.40
Vehicle sales and rental: heavy equipment/tools, heavy trucks, RVs, manufactured homes									11.40
<b>Other</b>									
Similar uses	P,S C	2.7							
Sexually oriented business									11.36
Temporary construction office	S	S	S	S	S	S	S	S	11.38
Temporary sales office	S	S	S	S	S	S	S	S	11.38
Temporary use- mobile food establishment									
catering truck	P	P	P	P	P	P	P	P	11.38
ice cream truck	P	P	P	P	P	P	P	P	11.38
lunch truck									11.38
mobile food preparation truck	P	P	P	P	P	P	P	P	11.38
produce truck									11.38
Temporary use- special function	S	S	S	S	S				11.38

### SECTION 3.

Table 3.3 “Spatial Requirements: Agricultural and Residential Districts” of the Unified Development Code is hereby amended to read as follows:

Table 3.3 Spatial Requirements: Agricultural and Residential Districts									
Requirement		AG	R-1	R-2	R-3	R-4	D	MF	MH
<b>Lots</b>									
Min. Area (s.f.)	Sewer	43,560	21,780	15,000	8,750	5,000	8,750	2,750/unit	5,000
	Septic	43,560	43,560	43,560	43,560	43,560	43,560	43,560	43,560
Max. Density (units per acre)		-	-	-	-	-	-	16	-
Min. Width (ft.)		80	100	100	80	50	70	75	50/lot
Min. Depth (ft.)		125	125	125	100	100	125	125	100/lot
Max Impervious (%)		50	50	50	50	50	50	50	50
<b>Setbacks</b>									
Min. Front (ft.) <sup>1</sup>	Primary	50	50	40	30	30	30	30	10/lot
	Secondary	20	20	20	15	15	15	15	10
Min. Side (ft.)	Total <sup>2</sup>	30	30	30	20	5	16	16	8
	Least	10	10	10	8	2	8	8	4
Min. Rear (ft.) <sup>3</sup>		45	30	30	15	15	15	15	10/lot
<b>Principal Buildings</b>									
Max. Height (ft.)		50	50	40	40	40	35	30	22.5
Max. Stories (number)		2.5	2.5	2.5	2.5	2.5	2.5	2	1.5
Min. GFA (s.f.)		1,500	1,500	1,500	1,250	1,250	1,000/unit	-	320
Min. Multi-Family Bedroom Area (s.f.) <sup>4</sup>	Efficiency	-	-	-	-	-	-	600	-
	One BR	-	-	-	-	-	-	800	-
	Two BR	-	-	-	-	-	-	900	-
	Three BR	-	-	-	-	-	-	1,000	-
Min. Masonry (%)		80	80	80	80	80	80	80	-
<b>Accessory Buildings (100 s.f. +)</b>									
Max. Number		-	3	2	1	1	2	-	1
Max. Size (% of rear yard)		20	10	10	10	10	10	10	10
Max. Height (ft.)		-	15	15	15	15	15	-	-
Max. Stories (number)		1	1	1	1	1	1	1	1
Min. Side Street Setback (ft.)		-	-	-	-	-	-	15	-
Min. Side Setback (ft.)		8	8	8	8	8	8	8	-
Min. Rear Setback (ft.)		8	8	8	8	8	8	25	-
Min. Setback from Principal (ft.)		5	5	5	5	5	5	15	-

#### SECTION 4.

Section 10.9.C.1. "Dwellings per Lot" of the Unified Development Code is hereby amended to read as follows:

"1. **Dwellings per Lot.** No more than one (1) primary dwelling shall be permitted on any lot of record which is zoned as an AG, R-1, R-2, R-3, R-4 or MH District."

#### SECTION 5.

Section 11.2 "Accessory Buildings" of the Unified Development Code is amended by amending Section 11.2.B.3.a. to read as follows:

"a. Attached and detached accessory buildings shall be of new construction and have exterior walls made of wood, stone, brick, or vinyl siding. The Board of Adjustment may approve accessory buildings with an exterior building material other than wood, stone, brick or vinyl siding in the R-1, R-2, R-3, R-4, D, and Old Town Districts."

#### SECTION 6.

Section 11.30 "Residential Sales" of the Unified Development Code is amended by amending Section 11.30.B.2. to read as follows:

"2. No more than two (2) motor vehicles, boats or other similar vessels subject to registration under V.T.C.A., Parks and Wildlife Code, Chapter 31, camper shells, or combination these items, shall be displayed on a lot at any one (1) time on a parcel in the R-3, R-4, and MH Zoning Districts."

#### SECTION 7.

Section 11.36 "Sexually Oriented Businesses" of the Unified Development Code is amended by amending Section 11.36.D.3. to read as follows:

"3. A boundary of a residential district (including, but not limited to, zoning classifications AG, R-1, R-2, R-3, R-4, OT, D, MF and MH);"

#### SECTION 8.

Section 11.38 "Temporary Uses" of the Unified Development Code is amended by amending Section 11.38.D.1 to read as follows:

"1. **Locations.** Special functions may be permitted in an R-1, R-2, R-3 or R-4 Districts."

#### SECTION 9.

Section 12.8 "Required Off-Street Parking" of the Unified Development Code is hereby amended by amending Section 12.8.A.4. to read as follows:

"4. **R-2, R-3, and R-4 Districts.** Parking spaces for at least two (2) vehicles shall be provided in an enclosed garage for any single-family dwelling constructed after the date of adoption of this section. A front entry garage is prohibited unless the vehicle entryway is screened from view from the front public right-of-way by the dwelling or other

structure. For the purposes of this section, a porte-cochere shall constitute sufficient screening of a front entry garage provided the vehicle entryway of the garage is located no less than 80 feet from the front property line. Regardless of the orientation of the garage required by this section, any gate or door to a porte-cochere must be of wrought iron construction and must not screen more than 25 percent of its entryway.”

#### SECTION 10.

Section 13.2 “General Landscaping Requirements” of the Unified Development Code is amended by amending Section 13.2.A. to read as follows:

“A. **Applicability.** The requirements contained in this article shall be applicable to all zoning districts in the city except for the AG, R-1, R-2, R-3 and R-4 zoning districts; however any non-residential use (such as, but not limited to, governmental, nonprofit, religious, institutional, and educational facilities) located within the AG, R-1, R-2, R-3, and R-4 zoning districts, which involves the construction of any principle building, parking area, or sign, shall comply with the requirements contained in this article. The requirements in this article shall apply in the following situations:

1. When an existing building is proposed for remodeling, alteration, addition, or expansion, and the value of the proposed construction exceeds 75 percent of the current appraised value of the existing structures, excluding the value of the land;
2. When an existing building is proposed for an addition that will have the cumulative effect of increasing the footprint of the original building existing on the date of the adoption of this article by more than 50 percent;
3. When new construction is proposed on the property;
4. As a requirement of the approval of a rezoning, special use permit, or PD;
5. When a new certificate of occupancy is requested and two (2) or more years has passed since the last occupancy of the property; or
6. There is a change in use of the property. A change in use shall be defined as occurring when one (1) of the following conditions is satisfied:
  - a. The new use of the property is first allowed in a less restrictive (more intensive) zoning district than the most recent use; or
  - b. A rezoning to a less restrictive (more intensive) zoning district classification is necessary.”

**SECTION 11.**

Table 13.6 “Buffer Area Landscape Requirements” of the Unified Development Code is hereby amended to read as follows:

<b>Table 13.6 Buffer Area Landscape Requirements</b>			
District	Type	Min. Width	Min. Landscaping Requirements per 50 Linear Ft.
AG, R-1, R-2, R-3, R-4, D, MF, MH (non- agricultural and residential principal	1	10 ft.	<ul style="list-style-type: none"> <li>▪ 1 canopy tree or 1 evergreen tree</li> <li>▪ 1 ornamental tree or 12 shrubs</li> </ul>
C-0, C-1, C-2	2	10 ft.	<ul style="list-style-type: none"> <li>▪ 1 canopy tree</li> <li>▪ 1 evergreen tree or 1 ornamental tree</li> <li>▪ 8 shrubs</li> </ul>
I	3	25 ft.	<ul style="list-style-type: none"> <li>▪ 2 canopy trees</li> <li>▪ 1 evergreen tree or 1 ornamental tree</li> <li>▪ 12 shrubs</li> </ul>

**SECTION 12.**

Section 29.5 “Board of Adjustment” of the Unified Development Code is amending by amending Section 29.5.D.10. to read as follows:

“10. Consider construction of an accessory building in the R-1, R-2, R-3, R-4, Duplex and Old Town districts with an exterior building material other than wood, stone, brick, or vinyl siding; and”

**SECTION 13.**

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 14.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, or phrases of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction such invalidity or 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 invalid or unconstitutional section, paragraph, sentence, clause, or phrase.

**SECTION 15.**

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 16.**

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 development 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 17.**

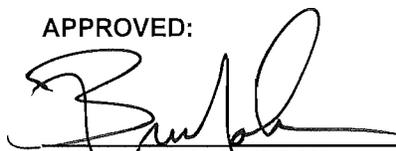
The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption, the penalty clause, the publication clause, and the effective date clause of this ordinance as provided by Section 3.10 of the Charter of the City of Kennedale.

**SECTION 18.**

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.

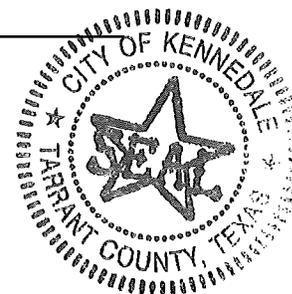
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, THIS THE 20<sup>TH</sup> DAY OF AUGUST, 2019.**

APPROVED:

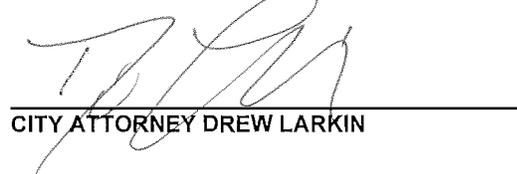
  
MAYOR BRIAN JOHNSON

ATTEST:

  
CITY SECRETARY LESLIE E. GALLOWAY



APPROVED AS TO FORM AND LEGALITY:

  
CITY ATTORNEY DREW LARKIN

EFFECTIVE DATE:

\_\_\_\_\_