

**ORDINANCE NO. 709**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS, BY ADDING A NEW "TH" TOWNHOME DISTRICT AND PROVIDING FOR NEW "TH" DISTRICT REGULATIONS BY CREATING A NEW SECTION 3.7 "TOWNHOME REGULATIONS"; AMENDING SECTION 2.2 "ZONING DISTRICTS", SECTION 3.1 "PURPOSE", TABLE 3.2 "SCHEDULE OF USES: AGRICULTURAL AND RESIDENTIAL DISTRICTS", SECTION 10.9 "PRINCIPAL USE AND DWELLINGS", SECTION 11.2 "ACCESSORY BUILDINGS", SECTION 11.30 "RESIDENTIAL SALES", SECTION 11.36 "SEXUALLY ORIENTED BUSINESSES", SECTION 12.8 "REQUIRED OFF-STREET PARKING", AND SECTION 13.6 "BUFFERING"; 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 Townhome 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 13, 2020, and the City Council of the City of Kennedale, Texas held a public hearing on August 18, 2020, 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.**

Table 2.2 “Zoning Districts” of the Unified Development Code is hereby amended to read as follows:

<b>Table 2.2 Zoning Districts</b>		
<b>Symbol</b>	<b>District Name</b>	<b>Article</b>
<b>Agricultural and Residential Districts</b>		
AG	Agricultural District	<i>Article 3</i>
R-1	Single-Family Residential District	
R-2	Single-Family Residential District	
R-3	Single-Family Residential District	
R-4	Single-Family Residential District	
D	Two-Family Residential District	
MF	Multi-Family Residential District	
MH	Manufactured Home District	
TH	Townhome District	
<b>Old Town Districts</b>		
OT-1	Old Town Single-Family Residential District	<i>Article 4</i>
OT-2	Old Town Single-Family Residential and Retail Mixed-Use District	
OT-3	Old Town TownCenter District	
OT-4	Old Town Mixed-Use District	
<b>Village Districts</b>		
NV	Neighborhood Village District	<i>Article 5</i>
UV	Urban Village District	
<b>Commercial and Industrial Districts</b>		
C-0	Retail Commercial	<i>Article 6</i>
C-1	Restricted Commercial District	
C-2	General Commercial District	
I	Industrial District	
<b>Employment Center Districts</b>		
EC- 1	Employment Center Commercial	<i>Article 7</i>
EC- 2	Employment Center Office and Service	
EC- 3	Employment Center Residential	
<b>Overlay Districts</b>		
CCOD	Commercial Corridor Overlay District	<i>Article 8</i>
FOD	Floodplain Overlay District	
<b>Planned Development District</b>		
PD	Planned Development District	<i>Article 9</i>

**SECTION 2.**

Section 3.1 “Purpose” of the Unified Development Code is hereby amended by adding a new subsection 3.1.1. “Townhome District (TH)” to read as follows:

“1. *Townhome District (TH)*. The TH District is intended to require a high standard for townhome development by utilizing a form-based code similar to Village zoning.”

**SECTION 3.**

Table 3.2 “Schedule of Uses: Agricultural and Residential Districts” of the Unified Development Code is hereby amended by adding a column for TH District to read as follows:

<b>Table 3.2 Schedule of Uses: Agricultural and Residential Districts</b>	
<b>Use</b>	<b>TH</b>
<b>Accessory Uses</b>	
Accessory buildings	P
Garage sales	P
Holiday tree and firewood sales	
Home occupation	P
Outdoor display, accessory retail sales	
Outdoor display, temporary accessory retail sales	
Outdoor storage, commercial and industrial	
Residential sales	P
Solar energy equipment	P
<b>Accommodations, Hospitality, Entertainment</b>	
Banquet hall	
Bed and breakfast	
Hotel / motel	
Micro-brewery	
Micro-winery with vineyard	
Micro-winery without vineyard	
Private club	
Recreation facility, campground	
Recreation facility, commercial indoor	
Recreation facility, commercial indoor, amusement machine establishment	
Recreation facility, commercial indoor - pool or billiards hall	
Recreation facility, commercial indoor - gun shooting range	
Recreation facility, commercial indoor - paintball or other survival games	
Recreation facility, commercial outdoor	
Recreation facility, commercial outdoor - paintball or other survival games	
Recreation facility, community-based	S
Recreation facility, driving range	
Recreation facility, golf course	S
Recreation facility, recreational vehicle park	
Recreation facility, rodeo ground and arena	
Recreation facility, vehicular racing facility	
Restaurant	
Restaurant with drive-through	
Restaurant with micro-brewery or micro-winery	
Restaurant with outdoor dining or service	
Tavern	
Theater, movie, indoor	
<b>Agricultural</b>	
Agricultural operation or farm	

Agribusiness and feed store (without animal sales)	
Agribusiness and feed store (with animal sales)	
Agritourism	
Farmers market	
Greenhouse and nursery, commercial	
Keeping of animals, hobby farm	
Roadside (produce) stand	
Stables, private	
Stables, public/commercial	
Winery, with vineyard	
<b>Industrial</b>	
Impound vehicle storage facility	
Landfill	
Manufacturing, processing and packaging - light	
Manufacturing, processing and packaging - light, and associate retail sales	
Manufacturing, processing and packaging - heavy	
Mining and mineral extraction operation	
Outdoor storage, commercial and industrial	
Salvage operations	
Warehousing	
Wholesale and distribution	
Mini-warehouse / self-storage	
Winery, without vineyard	
<b>Infrastructure, Transportation, Communications</b>	
Airport	
Airstrip	
Bus terminal	
Essential services	P
Drilling and production of oil and gas	
Freight terminal, railroad	
Freight terminal, trucking	
Gathering and compression station	S
Helicopter landing pad	
Infrastructure and utilities- regional	S
Parking facility, public or commercial	
Satellite transmission antenna	S
Waste management facility	
Waste management facility - transfer station	
Wind energy turbine	
Wireless communication facility	S
<b>Institutional / Civic</b>	
Cemetery	S
Community oriented cultural facility	P
Community public safety - fire	P
Community public safety - police	S
Community public safety- prison or penitentiary	
Governmental facility	

Meeting facility	
Parks, playgrounds, outdoor recreation	P
Place of worship	P
School, college or university	S
School, elementary, middle, high school	P
School, nursery or kindergarten	S
School, specialized/training	
<b>Offices and Services</b>	
Animal services, animal clinic / hospital	
Animal services, commercial kennel	
Animal services, shelter or rescue	
Body branding, piercing and tattoo facility	
Child care center	
Crematorium	
General offices and services, alternative financial establishments	
General offices and services, bank / financial services	
General offices and services, bail bond establishment	
General offices and services - business services	
General offices and services - business support services	
General Offices & Services - Construction and Building Services, outdoor storage	
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	
Vehicle repair, minor	
Vehicle wash	
Vehicle wash, trucks and heavy equipment	
<b>Residential</b>	
Day care, child day care home	P
Day care, group home day care home	
Dwelling, attached accessory	S
Dwelling, detached accessory	S
Dwelling, multi-family	P
Dwelling, multi-family, upper floor	
Dwelling, single-family	P
Dwelling, single-family attached	P
Dwelling, two-family	P
Group housing, adult group home	
Group housing, boarding (rooming) house	

Group housing, convalescent or nursing home	
Group housing, fraternity or sorority home	
Group housing, halfway house	
Group housing, independent and assisted living	
Live-work unit	
Manufactured home community	
<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	
General retail (outdoor)	
General retail, alcohol sales	
General retail (indoor) - auto parts	
General retail (indoor) - pawnshop	
General retail with a drive-through	
Liquefied petroleum gas (LPG) sales	
Service station	
Vehicle sales and rental: automobiles, light trucks, boats	
Vehicle sales and rental: heavy equipment / tools, heavy trucks, RVs, manufactured homes	
<b>Other</b>	
Similar uses	
Sexually oriented business	
Temporary construction office	
Temporary sales office	S
Temporary use - mobile food establishment	
Catering truck	
Ice cream truck	
Lunch truck	
Mobile food preparation truck	
Produce truck	
Temporary use - special function	

**SECTION 4.**

Article 3 “Agricultural and Residential Zoning Districts” of the Unified Development Code is hereby amended by adding a new Section 3.7 to read as follows:

**3.7 Townhome Regulations**

A. *Purpose.* To require a high standard for townhome development by utilizing a form-based code similar to Village zoning. These modifications are consistent with the Comprehensive Plan Economic Prosperity principle of “promoting access to housing”, providing housing options for people of varying financial means and residential preferences, while ensuring quality development in the City.

B. *Form and Character.* Townhome developments should have an urban building form and street frontage. The primary building form is street-oriented with windows across the façade and one or more entrances along the street. Buildings sit behind a landscaped dooryard and may be configured around a courtyard. The buildings define the street space and typically provide private open space through a combination of balconies, roof decks, and spaces interior to the lot.

C. *Building Form Standards.* All buildings shall meet the following standards:

1. Height.

a. The height of all buildings is measured in stories, with an ultimate building height in feet, measured to the top of the wall plate. At no time may a building exceed the prescribed maximum height in stories or in feet.

b. All heights are measured from the average fronting sidewalk elevation (at the required building line) unless otherwise noted.

c. A half-story (or attic story), defined as habitable space within a pitched roof, does not count against the maximum height in stories or feet, but may provide no greater than 75 percent of the square footage of the floor immediately below.

d. The prescribed minimum story clear height shall be met within 30 feet of the required building line (RBL) and by at least 80 percent of each story floor area.

e. The required ground story finished floor level shall be measured within 30 feet of any RBL.

f. Residential entrances may be at grade, with transitions to meet the minimum finished floor elevation within the building interior.

2. Siting.

a. Building facades shall be built to the RBL.

b. The building façade shall be built to the RBL within 30 feet of a block corner.

c. No part of any building or structure may encroach beyond the RBL or into any required setback except overhanging eaves, awnings, balconies, bay windows, stoops, steps or barrier free ramps approved by the Administrator.

d. There are no side setbacks

e. The parking setback line is generally 20 or 30 feet behind the RBL. Vehicle parking shall be located behind the parking setback line, except where parking is provided below grade, on street, or otherwise indicated.

f. All lots, including corner lots and through lots, shall satisfy the build-to requirements for any and all of their RBL frontages.

3. Elements.

a. Fenestration is regulated as a percentage of the façade between floor levels. Fenestration is measured as a glass area (including mullions, muntins, and similar window frame elements with a dimension less than one inch) and/or open area.

b. At least one (1) functioning entry door shall be provided along each ground story façade. The maximum distance between functioning façade entrances shall not be exceeded.

c. In no case shall a garage door be located at or face the RBL.

d. No private fences may be constructed forward of the RBL.

e. A garden wall may be used to define the street edge, to secure a pedestrian passage, to enclose a courtyard space, on rear lot lines, or to screen building service elements.

Height	
Max Building	3 stories and 38'
Minimum ground floor clear height	9'
Minimum upper story clear height	9'
Max Garden Wall Height	10'
Max Privacy Fence Height	7'
Siting	
Min Build-To	75%
Min Parking Setback	30'
Side setbacks	None required
Min rear setback with alley	3'
Min rear setback with no ally	20'
Garden wall	Permitted on unbuilt RBL
Privacy fence	Permitted on common and rear lot lines only
Elements	
Min/Max Ground floor Façade Fenestration	33 to 80%
Min/Max Upper Story Fenestration	20 to 70%
Max Blank Wall Limitation	30'
Max Distance between Façade Entrances	60'
Balconies	Permitted

4. Parking.

- a. Parking may be located on the street, in a surface lot, or in a structure.
- b. No parking shall be located between the building façade and the back of curb.
- c. All off-street parking shall be located behind the parking setback line, typically 25' feet or more behind the back of sidewalk
- d. All surface parking (as well as loading areas) shall be placed to the rear or to the side of the buildings, but in no case shall more than 60 feet of the property frontage (along the required building line) be used for surface parking.
- e. All surface parking and loading areas shall be screened from public areas, public sidewalks, and abutting residentially zoned properties by landscaping and a four (4) foot solid wall or a combination of masonry and a wrought iron or metal fence.
- f. When parking is above grade within a structure, a façade treatment that is consistent (in terms of materials and design) with the building façade shall be provided for the parking floors/levels.
- g. Parking structures shall be constructed so that commercial uses occupy the ground floor level on all street frontages. Automobile parking spaces are to be provided as required in this section and configured according to Sections 12.8 and 12.9.
- h. Residential minimum reserved parking spaces per unit: Up to 1,000 square feet, regardless of bedroom count: one (1) space/unit. Above 1,000 square feet: one and a quarter (1.25) spaces per unit.

5. Bicycle parking.

- a. Sites and/or projects over 10,000 square feet in land area require one (1) tenant bicycle parking rack (2-bike capacity) per ten (10) units. Buildings under four (4) units shall have no requirement.
- b. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right-of-way designated as the clear walkway nor shall they encourage on any required fire egress.
- c. On-street bicycle parking spaces (typically along the street tree alignment line) may be counted toward the minimum customer/visitor bicycle parking requirement. For areas with constrained street-space, an optional approach is to consolidate public bicycle parking in a single (1) dedicated on-street parking space per block.
- d. Bike rack design shall meet the requirements of Section 12.4D.

6. Permissive Parking and Loading Facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design and operation of such facilities.

7. On-Street Parking. A parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site (where more than 50 percent of the space is fronting). Each on-street parking space may only be counted once.

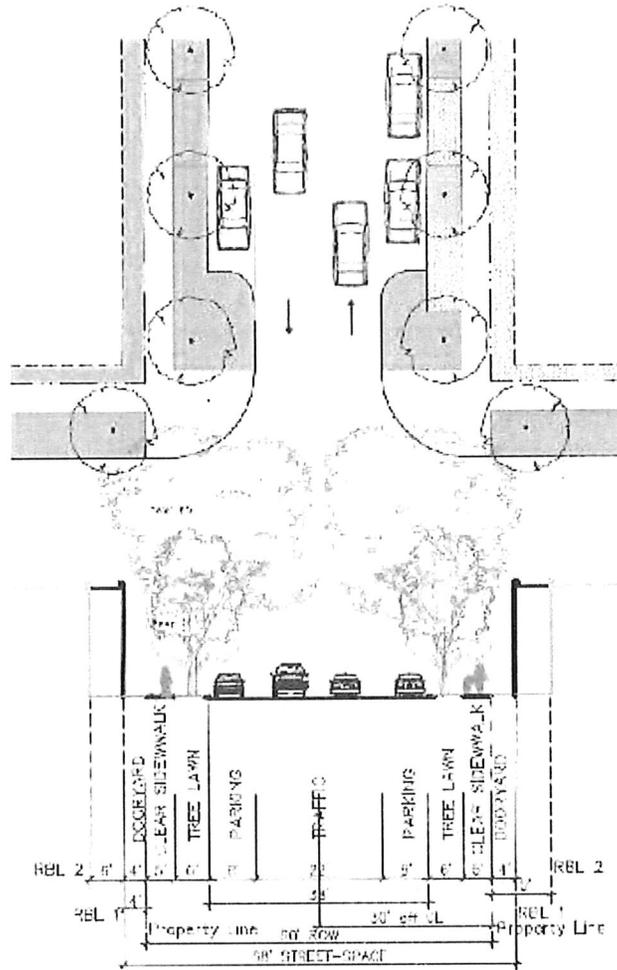
8. Loading Facilities. If provided, loading zones shall be located to the rear and/or alley side of buildings.

9. Parking Lot Plantings for New Development.

a. Trees. for any surface parking lot not separated from the street or public realm by a building, the space between the RBL and the parking setback line shall be planted with canopy shade trees. Trees shall be planted at an average distance not to exceed 30 feet on center and aligned parallel three (3) to seven (7) feet behind the RBL or garden wall.

b. Edge. The edge of any surface parking lot adjacent to a single-family lot shall: Be planted with canopy shade trees placed at an average distance not to exceed 40 feet on center and aligned parallel three (3) to seven (7) feet behind the common lot line; and Have a garden wall or privacy fence along the common lot line at least three (3) feet in height.

c. Streets & Streetscape – Public Realm. The street graphic illustrates the recommended typical configuration for street spaces within multi-family developments. The plans and sections specify ideal vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations. The streets must work in conjunction with the building form standards to create the type of walkable place envisioned by the Comprehensive Plan. Streets must balance the needs of all forms of traffic – auto, bicycle and pedestrian.



**SECTION 5.**

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, MH or TH District."

**SECTION 6.**

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, Old Town, and TH Districts."

**SECTION 7.**

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 of these items, shall be displayed on a lot at any one (1) time on a parcel in the R-3, R-4, MH and TH Zoning Districts."

**SECTION 8.**

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, MH and TH);"

**SECTION 9.**

Section 12.8 "Required Off-Street Parking" of the Unified Development Code is hereby amended by adding a new Section 12.8.A.8. to read as follows:

"8. TH District. Parking spaces must be enclosed or covered and in compliance with Section 3.7 of this Code."

**SECTION 10.**

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, and TH (non-agricultural and residential	1	10 ft.	<input type="checkbox"/> 1 canopy tree or 1 evergreen tree <input type="checkbox"/> 1 ornamental tree or 12 shrubs
C-0, C-1, C-2	2	10 ft.	<input type="checkbox"/> 1 canopy tree <input type="checkbox"/> 1 evergreen tree or 1 ornamental tree <input type="checkbox"/> 8 shrubs
I	3	25 ft.	<input type="checkbox"/> 2 canopy trees <input type="checkbox"/> 1 evergreen tree or 1 ornamental tree <input type="checkbox"/> 12 shrubs

**SECTION 11.**

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 12.**

It is hereby declared to be the intention of the City Council that in the event 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 13.**

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 14.**

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 or land use 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 15.**

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 16.**

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 18<sup>TH</sup> DAY OF AUGUST, 2020.**

**APPROVED:**

  
MAYOR, BRIAN JOHNSON

**ATTEST:**

  
CITY SECRETARY, LESLIE E. GALLOWAY

**APPROVED AS TO FORM AND LEGALITY:**

  
CITY ATTORNEY, DREW LARKIN

