

ORDINANCE NO. 712

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE , BY REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM “R2” RESIDENTIAL DISTRICT TO “PD” PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale Texas is a Home Rule municipality acting under its charter adopted by the electorate pursuant to Article XI 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, the property described below is within an area designated as Neighborhoods in the Future Land Use Plan within the comprehensive land use plan; and

WHEREAS, the City Council has determined that the “PD” Planned Development district is the most suitable zoning district for the property described below, in accordance with the comprehensive land use plan, and with the standards in the Unified Development Code; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 10th day of September, 2020 and by the City Council of the City of Kennedale on the 15th day of September, 2020 with respect to the zoning changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owner, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to amend the City’s Unified Development Code as described herein.

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

SECTION 1. The Comprehensive Zoning Ordinance is hereby amended so that the zoning classification and the uses in the hereinafter described area shall be changed and/or restricted as shown and described below:

An approximately 6 acres located at 3775 Kennedale New Hope Road, Robert C Richey Survey, Abstract No 1327, Tract 2K and 2L, and 3771 Kennedale New Hope Road, Robert C

Richey Survey, Abstract 1359, Tract 1D and 1E, City of Kennedale, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, is rezoned from "R3" Residential District to "PD" Planned Development district.

SECTION 2. The uses in the Planned Development ("PD") shall conform to the uses permitted in the "R-4" single-family residential zoning district. The PD development shall be subject to the restrictions, terms and conditions set forth in the Concept Plan, which consists of the Site Plan and Development Regulations, attached hereto as Exhibit "C" and Exhibit "B" respectively, all applicable regulations of the Unified Development Code, and all other applicable ordinances of the City.. The Development Standards in Exhibit "B" shall supersede those in the Unified Development Code in case of any conflict. All other standards shall meet the Unified Development Code, as amended.

SECTION 3. The regulations adopted herein have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provisions of transportation water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 4. The City Council further finds that the PD complies with the intent and all qualifying conditions of Section 9.2 of the Unified Development Code; the uses conducted within the proposed PD, the PD's impact on the community, and other aspects of the PD are consistent with the Comprehensive Plan; the proposed PD is to be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development; the PD will not change the essential character of the surrounding area; and the PD will not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

SECTION 5. The City Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 6. 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, including but not limited to all Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 7. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8. All rights or remedies of the City of Kennedale, Texas are expressly saved as to any and all violations of any ordinances governing zoning or of any amendments thereto that have accrued at the time of the effective date of this Ordinance as to such accrued

violations and all pending litigation both civil and criminal same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

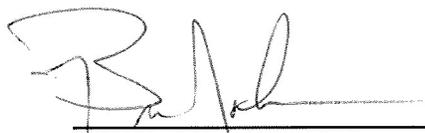
SECTION 9. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections 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 phrase, clause, sentence, paragraph or section.

SECTION 10. The City Secretary of the City of Kennedale is hereby directed to publish the caption, Section 1, the penalty clause, the publication clause, and the effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11. This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

DULY PASSED, ADOPTED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, ON THE 15th DAY OF SEPTEMBER, 2020.

APPROVED:



MAYOR BRIAN JOHNSON

ATTEST:



CITY SECRETARY LESLIE E. GALLOWAY

APPROVED AS TO FORM AND LEGALITY:



CITY ATTORNEY DREW LARKIN

EFFECTIVE DATE:





ORDINANCE NO. 712
EXHIBIT "A"

BEING a part of the Robert C. Richey Survey, Abstract No. 1327, situated in the City of Kennedale, Tarrant County, Texas, and embracing all of the Tracts 1 and 2 described in the deed to Terry R. Scott and Eva J. Scott and recorded in Volume 6444, Page 344 of the Deed Records of Tarrant County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found for the northwest corner of said Tract 1 and the southwest corner of the 2.46 acres tract described in the deed to Glen Ray Hinkel and Betty Ann Hinkel, recorded in Volume 5914, Page 323 of the said Deed Records and being in the east right-of-way line of S. New Hope Road;

THENCE N 87°36'04" E, along the north line of said Tract 1 and the south line of said 2.46 acres tract, generally along a fence, passing a 1/2" iron rod found at 554.11 feet and S 02°23'56" E, 1.19 feet, and continuing along said line, in all, a distance of 1136.85 feet to a 5/8" iron rod set with plastic cap stamped "MMA" for the northeast corner of said Tract 1, from which a cross-tie fence corner post bears S 87°36'04" W, 1.16 feet. Said iron rod being by deed call South 193.00 feet and N 87°45'E, 360.8 feet from the southwest corner of the E.C. Cannon Survey, Abstract No.378;

THENCE S 01°10'43" E, along the west line of said Tract 1, to and along the west line of said Tract 2, a distance of 229.88 feet to a 5/8" iron rod set with plastic cap stamped "MMA" for the southeast corner of said Tract 2 and the northeast corner of the tract described in the deed to Kamel Soliman et al, recorded in Volume 8384, Page 1782 of the said Deed Records. Said iron rod being by deed call SOUTH, 346.32 feet and N 87°45' E, 360.8 feet from the said southwest corner of Cannon Survey;

THENCE S 87°33'48" W, along the south line of said Tract 2 and the said north line of Soliman tract, generally along a fence, a distance of 1136.85 feet to a 1/2" iron rod found with yellow plastic cap stamped "GSI SURVEYING" for the southwest corner of said Tract 2 and the northwest corner of said Soliman tract, in the said east right-of-way line;

THENCE N 01°10'57" W, along the west line of said Tract 2, to and along the west line of said Tract 1, and continuing along the said east right-of-way, a distance of 230.63 feet to the point of beginning and containing 6.008 acres (261,703 square feet more or less.

The basis of bearings is the Texas Coordinate System NAD83, North Central Zone 4202 having a combined scale factor of 1.000121668467, base point 0,0,0.

Field notes to accompany survey sketch of same date.



A handwritten signature in black ink, appearing to read "Stephen H. Roberson", written over a horizontal line.

Stephen H. Roberson July 27, 2020
Registered Professional Land
Surveyor No. 4090
Mycoskie & Associates, Inc.
519 E. Border Street
Arlington, Tx 76010

ORDINANCE NO. 712
EXHIBIT "B"
MODERNO – Development Standards

The use of the Property shall be subject to the restrictions, terms and conditions set forth in the Planned Development standards stated below.

- 1) Property location and size.
Moderno Development (Subject Property) is established on property located at 3775 and 3771 Kennedale New Hope Road. This Planned Development is comprised of 2 tracts of land consisting of approximately 6 acres, more particularly shown on the Site Plan, which is attached hereto for all purposes.
- 2) Purpose
To create a Planned Development for fifty (50) single family residential lots. The minimum gross density and a net density are as shown on the Site Plan. An entry feature will be provided at the connection point to Kennedale New Hope Road. This neighborhood will meet at least 5 of the qualifying conditions as laid out in Section 9.2.C of the Unified Development Code (UDC). These conditions include: 2) a pedestrian-oriented design, 3) high quality architectural design beyond the site plan requirements of this article; 4) extensive landscaping beyond the site plan requirements of this article; 7) provision of open space or public plazas and features.
- 3) Development plan.
The proposed Site Plan will be in complete accordance with the provisions of the approved Planned Development and shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control building permits.
- 4) Lot composition and layout.
The lot layout and composition shall conform to the Site Plan and the requirements of Table 1 below.

Table 1: Lot Composition

Min Standard Lot Size (ft)	Minimum Lot Area (sf)	Minimum Corner Lot Area (sf)
35x65	2,275	2241

- 5) Unless specifically provided by this Planned Development Ordinance, the development standards stipulated by the Single-Family Residential District (R-4) are applicable to all development on the Subject Property. The maximum permissible density for the Subject Property shall not exceed 10 dwelling units per gross acre of land; however, in no case should the proposed development exceed 50 units. All lots shall conform to the standards depicted in Table 2, which is as follows:

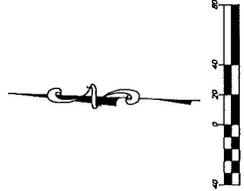
Table 2: Lot Dimensional Requirements

Minimum Standard Lot Width/Frontage	35
Minimum Lot Depth	65
Minimum Lot Area	2,275
Minimum Corner Lot Area	2,241
Minimum Front Setback	5
Minimum Side Setback	5
Maximum Height	35
Minimum Rear Setback	0
Minimum Area/Dwelling	750
Maximum Lot Coverage	70%

- 6) Community Architectural Controls.
Home elevations allowed in this community are represented in elevation plans depicted in Exhibit C. Additional elevations in a similar style are allowed.
- A) Architectural attributes for this residential development will consist of the following:
- a. Architectural design will be as shown in elevations depicted below.
 - b. Shutters, if provided, will be sized and shaped to match the associated openings.
 - c. Gutters, if provided, will be exposed or painted copper, galvanized steel, or aluminum if exposed to the street.
 - d. All asphalt roof shingles will be laminated architectural shingles with a three-dimensional appearance and warranted for at least (30) years.
 - i. Roof Materials.
 1. All roof shingles shall be an architectural or dimensional shingle (3-Tab Roofing Shingles are prohibited).
 - e. A minimum of overall 4:12 roof pitch is required on all structures with the exception of sunrooms, covered patios, and porches, which shall have a minimum of a 2:12 roof pitch.
 - f. In order to encourage variety on a continuous block, the exterior facades for houses will vary throughout the development utilizing at least five designs consistent with those depicted in Exhibit C throughout the community.

- g. The exterior facades of all buildings shall be cementaceous fiberboard, horizontal lap-siding, board and baton, shake, or similar material. Brick or stone is also allowed but not required. Metal and vinyl siding are not allowed.
- h. All homes shall incorporate a covered front porch as indicated on below elevations.
- i. Parking shall be provided at the rear for two spaces for each home with a porte-cochere that is architecturally designed as part of each home.
- j. Decorative lighting is required along all walkways and sufficient to provide for well-lit walkways at night.
- k. The landscape within the development shall be consistent with the landscape plan and landscape materials depicted below.
- l. All common open space, landscaping in open space areas, private roads, drainage areas and masonry columns will have a mandatory Homeowners' Association (HOA) to maintain those improvements.
- m. Utility, Service and Mechanical Equipment
 - i. All equipment related to utilities intended to serve one Lot shall be installed by the Owner of the Lot and shall be located underground if possible.
 - ii. All services to the Lot, including pre-wiring for cable television, must be installed underground if available.
- n. Walkway Requirements
 - i. Walkways shall be provided in accordance with the landscape plan in Exhibit C.
- o. Homeowners' Association
 - i. Homeowners' Association (HOA). A Homeowners' Association shall be created to enforce the restrictions established in accordance with the HOA requirements of the City of Kennedale UDC. The HOA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, screening fences associated with this development.

ORDINANCE NO. 712 - EXHIBIT C



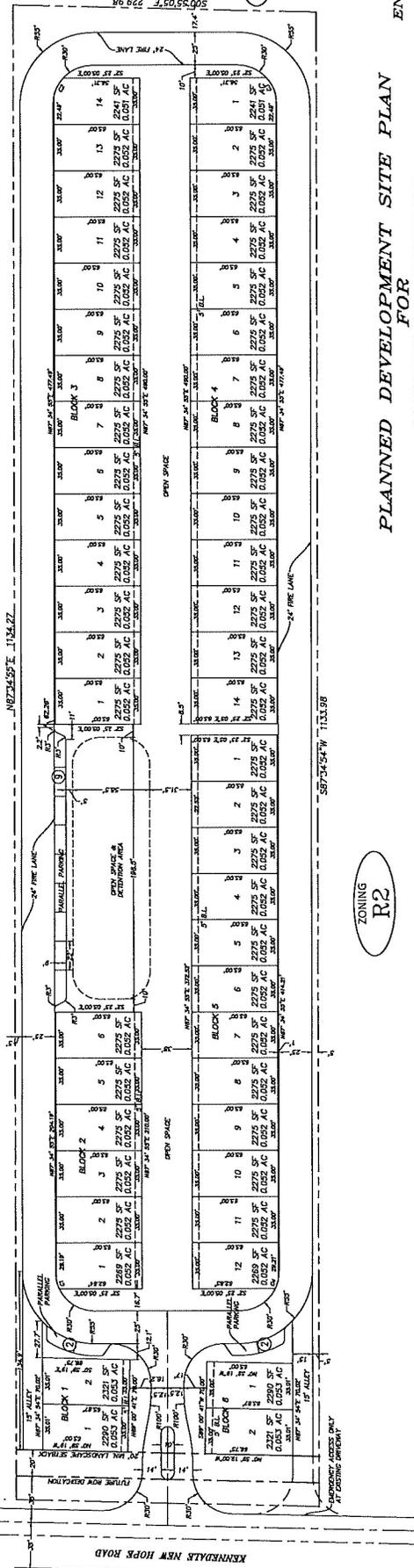
DEVELOPMENT STANDARDS	
CURRENT ZONING	R2
PROPOSED ZONING	P0 (SINGLE-FAMILY RESIDENTIAL - BENCHMARC)
BUILDING STANDARDS REAR LOADED ENTRY	
MINIMUM WIDTH	35'
MINIMUM DEPTH	65'
FRONT YARD SETBACK	5'
SIDE YARD SETBACK	5'
REAR YARD SETBACK	0'

SINGLE FAMILY PARKING TABLE		
USE TYPE	REQUIRED	PROVIDED
TINY HOMES	2 PER DWELLING + 100 COVERED DRIVEWAY (SQ. FT. 100 PS)	13
VISITOR-COMMERCE	0	13

SINGLE FAMILY LAND USE SUMMARY			
LAND USE	LOT COUNT	ACREAGE	DENSITY
TINY HOMES	50	2.61	8.33/AC
PRIVATE STREETS	N/A	1.44	N/A
OPEN SPACE	N/A	1.19	N/A
TOTAL	50	5.24	8.33/AC

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	6.21'	30.00'	17° 51' 22"
C2	14.32'	30.00'	27° 20' 54"
C3	14.32'	30.00'	27° 20' 48"
C4	6.19'	30.00'	11° 49' 19"

ZONING R2

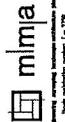


ZONING R2

PLANNED DEVELOPMENT FOR MODERNO ADDITION

3775 KENNEDALE NEW HOPE ROAD
KENNEDALE, TEXAS
TARRANT COUNTY

ENGINEER:

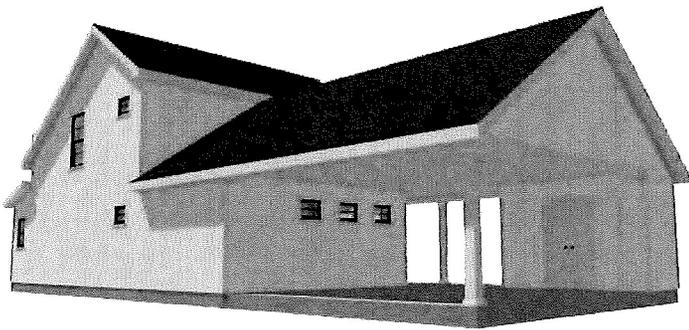


1100 W. WOODWAY
SUITE 100
DALLAS, TEXAS 75201
PHONE: 972-441-1137
FAX: 972-441-1137
WWW.MIMAE.COM
CONTACT: MICHAEL MARTIN, P.E.
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09/12/2020 SHEET 1 OF 2

DEVELOPER:
URBAN CHIC PROPERTIES
15000 W. WOODWAY SUITE B-5
2804 ADDINGTON ST. #1001
DALLAS, TEXAS 75244
CONTACT: JULIE CRAMING
EMAIL: JULIE@UC2-CONSTRUCTION.COM

OWNER:
ESTATE OF EVA JEAN SCOTT
15000 W. WOODWAY SUITE B-5
2804 ADDINGTON ST. #1001
DALLAS, TEXAS 75244
PHONE: 817-396-0421
DUALANCH@GMAIL.COM

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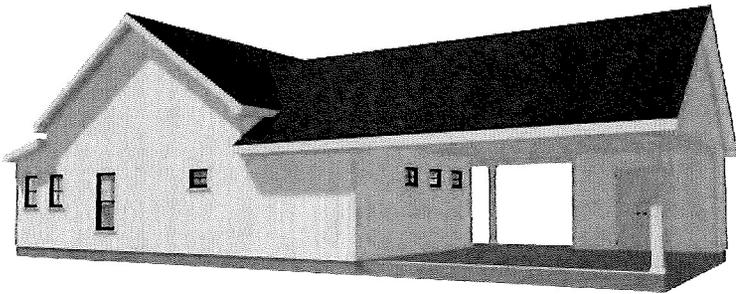
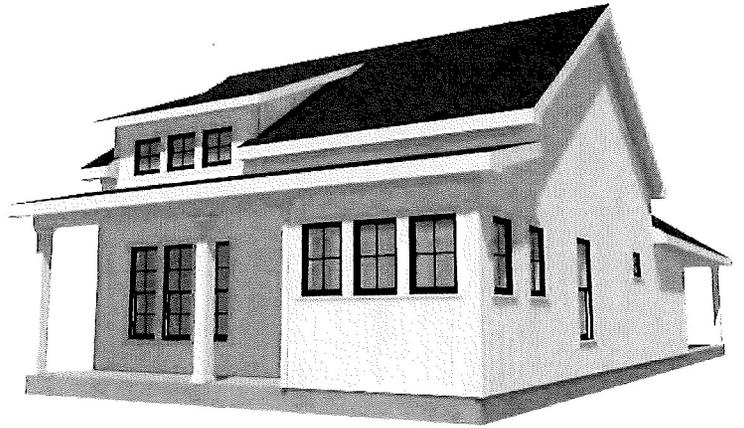
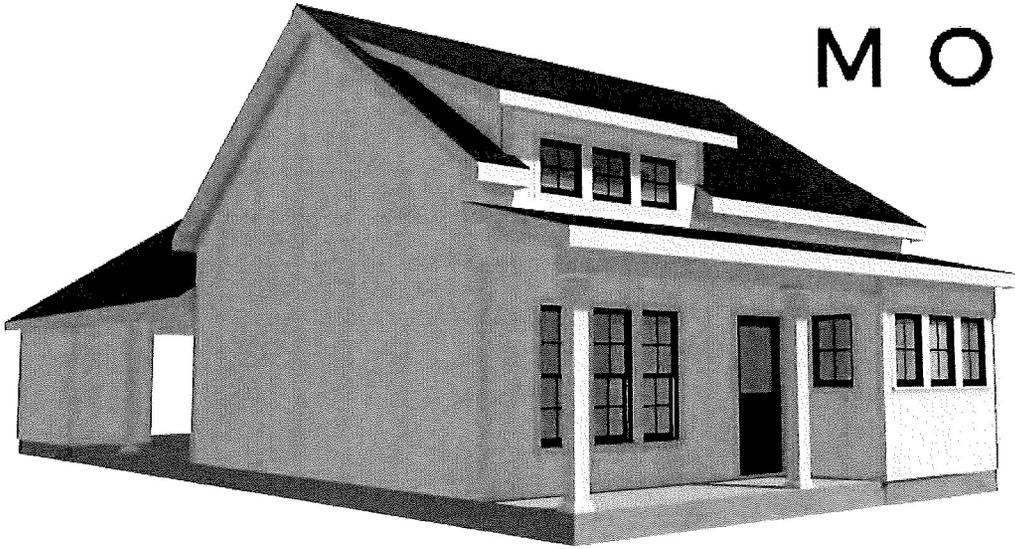
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0712.CITY OF KENNEDALE, TX 2020

Coming Home

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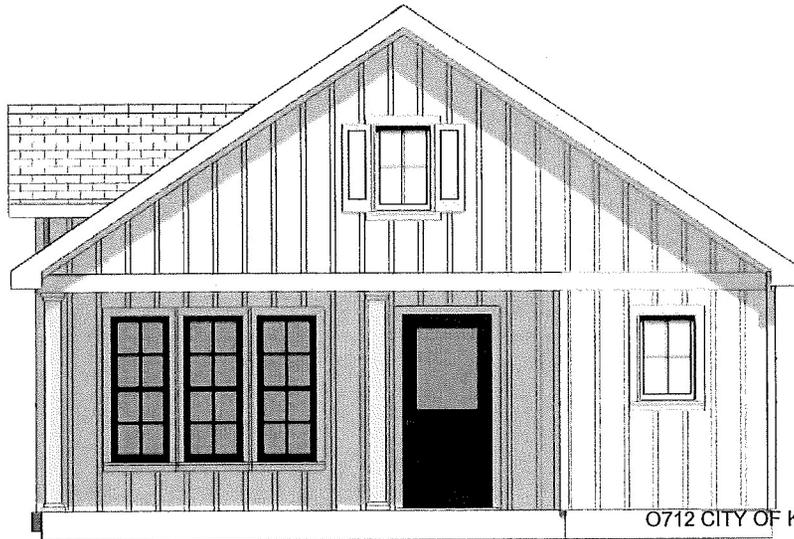
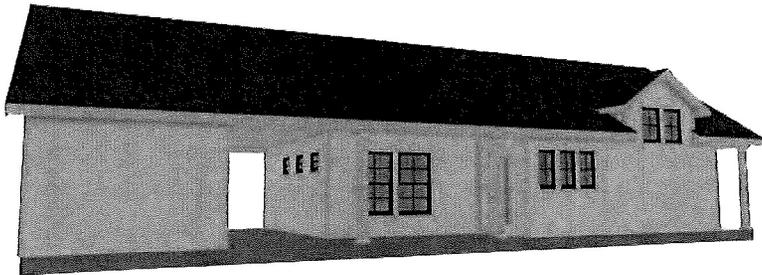
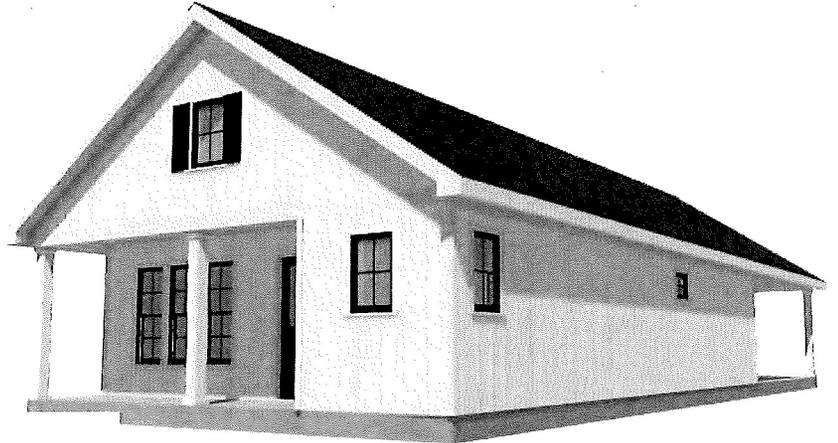
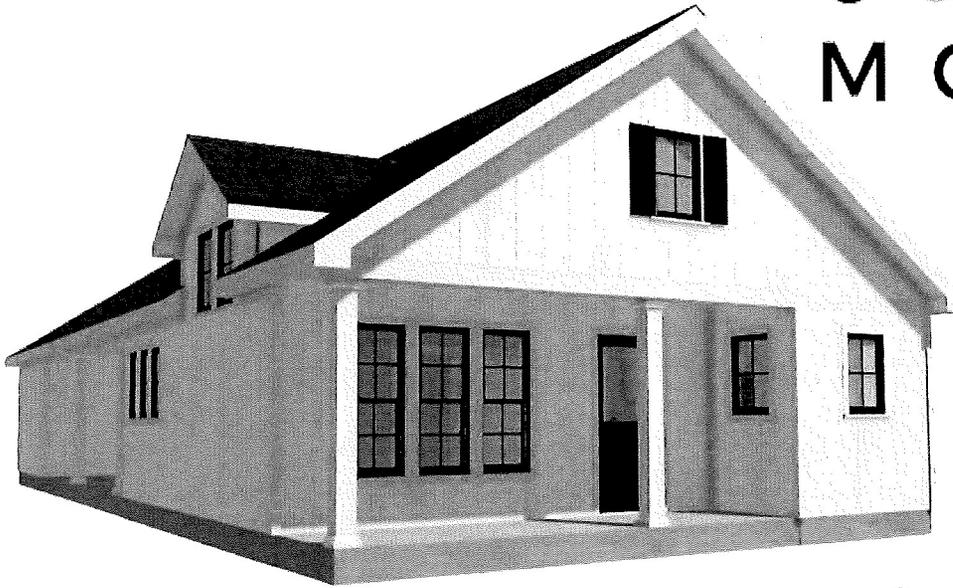


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URBAN
REAL ESTATE PROPERTIES

0712 CITY OF KENNEDALE, TX 75020
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Star-Telegram MEDIA

Arlington Citizen-Journal | The Keller Citizen | La Estrella
Mansfield News-Mirror | Star-Telegram Northeast | Weatherford Star-Telegram
star-telegram.com | 808 Throckmorton St. | Ft Worth, Tx. 76102-6315

Order Confirmation

Customer

CITY OF KENNEDALE

Customer Account

600629

Customer Address

405 MUNICIPAL DR
KENNEDEALE TX 760602249 USA

Customer Phone

817-360-0522

Customer Fax

Sales Rep

agrisham@mcclatchy.com

Payor Customer

CITY OF KENNEDALE

Payor Account

600629

Payor Address

405 MUNICIPAL DR
KENNEDEALE TX 760602249 USA

Payor Phone

817-360-0522

Customer EMail

reicson@cityofkennedale.com

Order Taker

agrisham@mcclatchy.com

<u>PO Number</u>	<u>Payment Method</u>	<u>Blind Box</u>	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>
	Invoice		0	0	1

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Amount</u>	<u>Amount Due</u>
\$131.59	\$0.00	\$131.59	\$0.00	\$131.59

<u>Ad Order Number</u>	<u>Order Source</u>	<u>Ordered By</u>	<u>Special Pricing</u>
0004761975		LESLIE E. GALLOWAY	
<u>Invoice Text</u>			<u>Promo Type</u>
<u>Package Buy</u>			<u>Materials</u>

Ad Order Information

Ad Number **Ad Type** **Production Method** **Production Notes**
0004761975-01 FTW-Legal Liner AdBooker

External Ad Number **Ad Attributes** **Ad Released** **Pick Up**
No

Ad Size **Color**
1 X 89 li

Product **Placement** **Times Run** **Schedule Cost**
FTW- Star-Telegram 0300 - Legals Classified 1 \$116.59

Run Schedule Invoice Text **Position**
CITY OF KENNEDALE ORDINANCE NO. 712 AN C 0301 - Legals & Public Notices

Run Dates
09/23/2020

Product **Placement** **Times Run** **Schedule Cost**
FTW-Upsell ST.Com 0300 - Legals Classified 1 \$15.00

Run Schedule Invoice Text **Position**
CITY OF KENNEDALE ORDINANCE NO. 712 AN C 0301 - Legals & Public Notices

Run Dates
09/23/2020

CITY OF KENNEDALE ORDINANCE NO. 712 AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE , BY REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM "R2" RESIDENTIAL DISTRICT TO "PD" PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE. THE COMPREHENSIVE ZONING ORDINANCE IS HEREBY AMENDED SO THAT THE ZONING CLASSIFICATION AND THE USES IN THE HEREINAFTER DESCRIBED AREA SHALL BE CHANGED AND/OR RESTRICTED AS SHOWN AND DESCRIBED BELOW: AN APPROXIMATELY 6 ACRES LOCATED AT 3775 KENNEDALE NEW HOPE ROAD, ROBERT C RICHEY SURVEY, ABSTRACT NO 1327, TRACT 2K AND 2L, AND 3771 KENNEDALE NEW HOPE ROAD, ROBERT C RICHEY SURVEY, ABSTRACT 1359, TRACT 1D AND 1E, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS ("THE PROPERTY"), AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN, IS REZONED FROM "R3" RESIDENTIAL DISTRICT TO "PD" PLANNED DEVELOPMENT DISTRICT. ANY PERSON, FIRM OR CORPORATION WHO VIOLATES, DISOBEYS, OMITTS, NEGLECTS, OR REFUSES TO COMPLY WITH OR WHO RESISTS ENFORCEMENT OF ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE FINED NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE. EACH DAY THAT A VIOLATION IS PERMITTED TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE. THE CITY SECRETARY OF THE CITY OF KENNEDALE IS HEREBY DIRECTED TO PUBLISH THE CAPTION, SECTION 1, THE PENALTY CLAUSE, THE PUBLICATION CLAUSE, AND THE EFFECTIVE DATE CLAUSE OF THIS ORDINANCE IN EVERY ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY OF KENNEDALE FOR TWO DAYS OR ONE ISSUE OF THE NEWSPAPER IF THE OFFICIAL NEWSPAPER IS A WEEKLY NEWSPAPER AS AUTHORIZED BY SECTION 3.10 OF THE CITY OF KENNEDALE CHARTER. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND PUBLICATION AS REQUIRED BY LAW AND IT IS SO ORDAINED. DULY PASSED, ADOPTED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, ON THE 15TH DAY OF SEPTEMBER, 2020. APPROVED /S/ MAYOR BRIAN JOHNSON / ATTEST /S/ CITY SECRETARY LESLIE E. GALLOWAY / APPROVED AS TO FORM AND LEGALITY /S/ CITY ATTORNEY DREW LARKIN