



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
January 15, 2015
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 6:00 PM
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. WORK SESSION

- A. Discuss any item on the regular session agenda
- B. Discuss meeting dates for Planning & Zoning Commission Regular Meetings
- C. Update on Employment Center District code
- D. Update on Downtown Village and zoning code update
- E. Discuss future items for consideration by the Planning & Zoning Commission

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Consider approval of minutes from 12.18.2014 Planning and Zoning Commission meeting

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the Planning and Zoning Commission not scheduled on the Agenda may speak to the Commission, provided that an official 'Speaker's Request Form' has been completed and submitted to the Commission Secretary prior to the start of the meeting. All comments must be directed towards the Chair, rather than individual commissioners or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action can be taken on these items.

IX. REGULAR ITEMS

A. **Case PZ 14-10** Consideration of Ordinance approval regarding a request by the City of Kennedale to amend Section 17-430(i) "Authorized Special Exceptions" and Section 17-431 "Definitions" of Article VI "Zoning" of Chapter 17 "Planning and Land Development" of the Kennedale City Code to authorize the Board of Adjustment to grant special exceptions for special functions in single family residential districts.

B. **CASE # PZ 14-12** Public hearing and consideration of Ordinance approval regarding a request by Kennedale Economic Development Corporation for a zoning change for approximately 19.46 acres from "AG" Agricultural district to "PD" Planned Development district at 1001 Corry A Edwards Dr, an unaddressed parcel on Bowman Springs Rd, 1021 Bowman Springs Rd, & 1083 Bowman Springs Rd, legal description of Woodlea Acres Addn Blk 1 Lots 18A, 18B, 19R, and 20R1.

1. Staff presentation
2. Public hearing
3. Staff summary and response
4. Action by the Planning & Zoning Commission

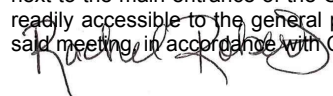
X. REPORTS/ANNOUNCEMENTS

XI. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending City Council meetings. This building is wheelchair accessible, and parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meetings. Please contact Amethyst Cirno, City Secretary, at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the January 15, 2015, Planning and Zoning Commission agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.



Rachel Roberts, Board Secretary



Date: January 15, 2015

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss any item on the regular session agenda

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

At this time, the Commission may discuss any item on the regular session agenda. If the applicant for a case is present, you may ask the applicant for information, but you may not ask the applicant for changes to the request until the applicant presentation during the regular meeting. You may not hold a public hearing or receive input from the public at this time, and you may not take action on any regular session item.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:



Date: January 15, 2015

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss meeting dates for Planning & Zoning Commission Regular Meetings

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Now that the City Council has changed its regular meeting date to the third Monday of each month, the Planning & Zoning Commission has an opportunity to change its meeting date to the second Thursday of each month, which is the Council's former meeting date. The advantage of changing the meeting date is that it would streamline the applicant timeline, because in most months, the Commission would vote on a case one week and the Council would vote on it the next week. This timeline would make Kennedale more in line with what other cities can offer applicants, since many of the cities in this region have planning and zoning commissions and city councils that meet more than once a month. The disadvantage would be that applicants have less time between the Commission and Council meetings to make changes to their plans, if needed.

Staff would recommend changing the to the second Thursday, but we are aware you may not be able to do so since you may have already set your schedules for the year based on the expected meeting date of the third Thursday of each month. And please note that you are not obligated to change your meeting date based on the staff recommendation.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: January 15, 2015

Agenda Item No: WORK SESSION - C.

I. Subject:

Update on Employment Center District code

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

The advisory committee for expanding the Employment Center District has been formed, and the first meeting will be held in February. The Planning & Zoning Commission representatives are Ernest Harvey and Tom Pirtle. If you have any concerns or suggestions for the Employment Center District code, please be sure to let them know so they can represent your ideas at the advisory committee meeting.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: January 15, 2015

Agenda Item No: WORK SESSION - D.

I. Subject:

Update on Downtown Village and zoning code update

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

As you are aware, the visual community survey for the Downtown Village will be held on January 27th (6 PM at the Community Center). We should have preliminary results from the survey by the time you meet in February.

We are still writing the Request for Proposals for the zoning code update and hope to have the RFP published early this year.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:



Date: January 15, 2015

Agenda Item No: WORK SESSION - E.

I. Subject:

Discuss future items for consideration by the Planning & Zoning Commission

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Under this agenda item, the Commission may notify staff of any items they would like placed on a future agenda for discussion or consideration by the Commission. No action may be taken on these items at this time.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:



Date: January 15, 2015

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from 12.18.2014 Planning and Zoning Commission meeting

II. Originated by:

Katherine Rountree, Permits Clerk

III. Summary:

Review and approve minutes from 12.18.2014 Planning and Zoning meeting

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	01.15.2015 PZ Minutes	12.18.2014 PZ Minutes Final.docx
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KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

**KENNEDALE PLANNING & ZONING COMMISSION
MINUTES
REGULAR MEETING
December 18, 2014
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE
WORK SESSION - 6:00 PM
REGULAR SESSION - 7:00 PM**

I. CALL TO ORDER

Mr. Harvey called the meeting to order at 6:04 P.M.

II. ROLL CALL

Commissioner	Present	Absent
Ernest Harvey	x	
Tom Pirtle	x	
Harry Browne	x	
Stephen Brim	x	
Katie McFadden	x	
Don Rawe	x	
Carolyn Williamson	x	
<i>Alternates</i>		
Billy Gilley	x	
<i>vacant</i>		

A quorum was present

Staff present: Rachel Roberts (city planner); Katherine Rountree (board secretary)

III. WORK SESSION

A. Update on the Downtown Village project

Ms. Roberts said the city will be holding a visual preference survey for the Downtown Village project on January 7, 2015 at 6:00 P.M. in the Community Center. She said the consultant will be visiting businesses to get their involvement, sending out letters to property owners, and posting the survey on the website. At the meeting, the community will view images and rate them accordingly to what they would like to have in that specific area.

B. Discuss any item on the regular session agenda

Ms. Roberts and Mr. Harvey went over several corrections in the proposed ordinance. The commission discussed the special function request in residential communities and existing entities that this will affect.

C. Discuss any items to add to future agendas

The commission did not have time to discuss this item.

The work session ended at 7:04 P.M.

IV. REGULAR SESSION

V. CALL TO ORDER

Mr. Harvey called the meeting to order at 7:04 P.M.

VI. ROLL CALL

Commissioner	Present	Absent
Ernest Harvey	x	
Tom Pirtle	x	
Harry Browne	x	
Stephen Brim	x	
Katie McFadden	x	
Don Rawe	x	
Carolyn Williamson	x	
<i>Alternates</i>		
Billy Gilley	x	
<i>vacant</i>		

A quorum was present.

Staff present: Rachel Roberts (city planner); Katherine Rountree (board secretary)

VII. MINUTES APPROVAL

A. Consider approval of minutes from 11.20.2014 Planning and Zoning Commission meeting

Mr. Pirtle motioned to approve the minutes. The motion was seconded by Mr. Rawe and passed with all in favor except Mr. Harvey, who abstained from voting.

VIII. VISITOR/CITIZENS FORUM

No one registered to speak

IX. REGULAR ITEMS

A. **Case PZ 14-10** Public hearing and consideration of Ordinance approval regarding a request by the City of Kennedale to amend Section 17-430(i) "Authorized Special Exceptions" and Section 17-431 "Definitions" of Article VI "Zoning" of Chapter 17 "Planning and Land Development" of the Kennedale City Code to authorize the Board of Adjustment to grant special exceptions for special functions in single family residential districts.

1. Staff presentation

Ms. Roberts said that she would like to make several existing and future uses compatible with the city code with suggested conditions. Mr. Harvey asked if City Council had any resolutions for existing properties. Ms. Roberts said that Council did not have any suggestions and that the property owners are willing to comply with conditions to stay in business.

2. Public hearing

No one registered to speak.

3. Staff summary and recommendation

Staff recommended approval with conditions.

4. Action by the Planning & Zoning Commission

Mr. Pirtle motioned to move the case to next month with the following discussion points:

- (1) Number of events per year;
- (2) Better definition of who can use the property for personal use and what counts as a special event requiring a special exception and what does not;
- (3) Requirements for parking for special events;
- (4) Number of people permitted to attend an event;
- (5) Ensure suitable requirements for lighting, screening, and noise;
- (6) Consider using density in the area around the property as a basis for determining frequency of events and number of people who can attend;
- (7) Consider adding language to the ordinance that indicates special exception application will need to meet all TABC requirements if alcohol will be served at the event;
- (8) Consider adding language requiring that first special exception for granted for a maximum of one year, which later special exception to be permitted for longer time periods;
- (9) Clarify permitted hours of operation;
- (10) Consider requiring special events facility operator (home owner) to get a permit (no fee) for each special event, which would allow the City to keep track of how many events are held on a property.

The motion was seconded by Ms. Williamson and passed with all in favor except Mr. Harvey, who abstained from voting.

B. Case PZ 14-11 Public hearing and consideration of Ordinance approval regarding a request by the City of Kennedale to amend Section 17-421 "Schedule of uses and off-street parking requirements" of Article VI "Zoning" of Chapter 17 "Planning and Land Development" of the Kennedale City Code and Section 17-431 "Definitions" of Article VI "Zoning" of Chapter 17 "Planning and Land Development" of the Kennedale City Code.

1. Staff presentation

Ms. Roberts gave an overview of the case and said that the proposed changes would affect future use of properties but would not eliminate any current uses.

2. Public hearing

No one registered to speak.

3. Staff summary and recommendation

Staff recommended approval.

4. Action by the Planning & Zoning Commission

Mr. Pirtle motioned to approve as written. The motion was seconded by Mr. Rawe and passed with all in favor except Mr. Harvey, who abstained from voting.

X. REPORTS/ANNOUNCEMENTS

City Hall will be closed on December 24 and 25, 2014 for the Christmas holiday.

XI. ADJOURNMENT

Mr. Brim motioned to adjourn. The motion was seconded by Mr. Browne and passed with all in favor except Mr. Harvey, who abstained from voting.

The meeting adjourned at 8:05 P.M.



Date: January 15, 2015

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

Case PZ 14-10 Consideration of Ordinance approval regarding a request by the City of Kennedale to amend Section 17-430(i) "Authorized Special Exceptions" and Section 17-431 "Definitions" of Article VI "Zoning" of Chapter 17 "Planning and Land Development" of the Kennedale City Code to authorize the Board of Adjustment to grant special exceptions for special functions in single family residential districts.

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: amend two sections of the city code -- definition and the list of special exceptions the Board of Adjustment is authorized to grant

Location: n/a

Applicant: City of Kennedale

Background and overview.

The Commission considered this item and held a public hearing during its meeting in December. At that time, the Commission voted to postpone making a decision on this case until its meeting in January.

This case was considered by the Commission during its meeting in December. At that time, the Commission postponed action on the case and asked staff to provide more information to help the Commission in making its decision and to improve the ordinance under consideration. The ordinance you are considering now addresses the comments and concerns mentioned at the meeting in December. A summary of the changes to the ordinance are described below.

Number of events authorized per year

The Commission felt that 4 events per year is too few, but 12 events is too many. Staff recommends authorizing the Board of Adjustment to permit up to nine events per year, with no two events scheduled within 14 days of each other.

Number of people who may attend an event

Staff recommends this number be set by the Board based on a recommendation from the fire chief and the building official, with the recommendation determined on a case-by-case basis (per property). The fire chief and the building official regularly determine maximum occupancy rates as part of issuing certificates of

occupancy and are well-qualified to make a recommendation for these special events, but if the Commission would prefer, you could add a “not to exceed” number to the ordinance.

Parking

The Commission was concerned about requiring paved parking for special events, given that for most of the year the property would be used for single family residential purposes. However, it's difficult to justify not requiring the property owners to meet the same regulations that everyone else (whether residential or commercial use) is required to meet, especially considering that the special functions are not for personal use but for commercial use. Therefore, staff cannot recommend waiving the requirement for paved parking. On the other hand, since the properties would not be used for commercial purposes more than nine times per year (or other number set by the Commission/Council in adopting the ordinance), staff believes the general welfare of the city would not be negatively affected by a reduction in the number of paved parking spaces that would normally be required.

Staff recommends that a minimum of 1 paved space be required for every 10,000 square feet of site area of a property for which a special exception is requested. For comparison purposes, a park or playground is required to have 1 space for every 2,000 square feet of site area, an amusement park requires 1 per 500 square feet, and most retail stores require 1 per every 300-400 square feet (of building, not site area). Please note that although the required number of parking spaces would be reduced, this ordinance would not permit parking on grass or in required front yard areas. For example, if a property in an R-1 zoning district has 100 feet between the property line and the house, the required, the first 50 feet from the property line could not be used for parking, whether paved or unpaved. And in the remaining 50 feet, parking would be still be permitted on paved surfaces only.

Screening

The proposed ordinance states that “adequate screening provided to protect the neighbors from adverse effects of the special function.” If this requirement is too vague, the Commission could consider adding language incorporating the screening requirements already required between incompatible screening districts. Modifying that language to fit this case, the requirement would be as follows.

Insofar as practical, screening must be erected, placed, grown and maintained along the common boundary line of a property for which a special events special function is granted and adjoining properties. This screening requirement shall be the responsibility of the owner of the property for which the special exception is granted.

Such screening shall not be less than six (6) feet in height nor greater than eight (8) feet in height. However, no fence, wall, or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 17-405(c)(6) of the Kennedale City Code. Such screening shall also be in conformance with Article VIII of Chapter 4 of Kennedale City Code that addresses fencing and screening.

For the Commission’s reference, Section 17-405(c)(6) reads as follows.

Visibility at intersections required. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two (2) and one-half (2½) feet to ten (10) feet above ground level extending thirty (30) feet from the corner intersection. Public

utility structures, traffic signs, or other items approved by the city manager are exempt from this provision.

And for your reference, the section of Article VIII Chapter 4 related to incompatible zoning districts reads as follows.

Sec. 4-211. - Same—Incompatible zoning districts. Insofar as possible, screening must be erected, placed, and/or grown along the common boundary line of incompatible zoning districts before use is made of the property. Before a building permit may issue for construction on property which is adjacent to property which is zoned for a more restrictive use, as defined by section 17-425 of this Code, the applicant shall construct or place screening along the common boundary line of the properties. The screening fence shall be constructed of solid wood or masonry and shall be not less than six (6) feet in height nor more than eight (8) feet in height. A person may plant large screening shrubs in lieu of constructing a fence, if the screening shrubs meet the requirements set forth in section 17-431 of this Code.

Lighting

Lighting is already addressed through the ordinance, but if the Commission feels this is insufficient, the ordinance could adopt the lighting standards required for the Employment Center District, which is intended to ensure lighting at new businesses is compatible with surrounding residential uses. If the Commission would like this lighting standard to be added to the ordinance, you will need to include that statement in your motion. For your reference, the section of the Employment Center District code is shown below.

Requirements for Exterior Lighting

- A. Lighting for each property shall be designed for the context of traffic (automobile, bicycle, or pedestrian) on the surface streets abutting the property, rather than for visibility from Interstate 20.
- B. All luminaries used primarily for illuminating off-street parking areas, lighted canopies for commercial uses, and similar lighting needs shall have a maximum height of twenty (20) feet.
- C. All luminaires used primarily for walkways, trails, security, decorative effects, lighting equipment or storage areas, fountains, art work, building walls, or similar lighting needs shall have a mounting height no higher than fourteen (14) feet.
- D. Light trespass shall be minimized; light levels at the property line should not exceed 2 footcandles (fc). Footcandle means the unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.
- E. Fixtures for decorative lighting must be selected, located, aimed, and shielded so that direct illumination is focused solely on the building façade, plantings, and other intended site feature, and away from adjoining properties and the public street right-of-way.
- F. The operation of searchlights for advertising purposes is prohibited between the hours of 9:00 P.M. and 7:00 A.M.

NOTE: If these standards are incorporated into the ordinance for special functions, staff recommends prohibiting the search lights entirely.

Noise

The City has noise nuisance standards in place already, which are incorporated into the proposed ordinance. For example, the city's noise regulations prohibit the following activities.

- (1) The playing of any radio, audio equipment or other musical instrument between the hours of 10:00 p.m. and 7:00 a.m. in such manner or with such volume as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any dwelling.
- (2) The use of any loudspeaker or amplifier.

An alternative is to require any applicant applying for more than, say, 4 events per year to file a sound mitigation plan, subject to review and approval by the City, as part of the application for a special exception. I've added language reflecting this concept to the proposed ordinance for your consideration.

Hours of operation

The proposed ordinance states that the Board of Adjustment will determine what the hours of operation shall be. If the Commission would prefer, you can amend the ordinance to provide guidelines for hours of operation (e.g., the Board may not allow any event to run past 2 AM).

Consider using density in the area around the property as a basis for determining frequency of events and number of people who can attend

City staff does not have the tools to accurately calculate the density of areas surrounding a particular parcel, so specific standards based on density may not be possible. For example, the city may not be able to set a standard that areas with a density of 5 dwelling units per acre shall have no more than 6 special events per year. However, we can tell from building permit and plat information and from aerial imagery the general developed character of an area, such as whether it's rural in character or more suburban. With that limitation in mind, we could amend the ordinance to require the Board of Adjustment to consider density/population in the surrounding area as part of the basis for how many special events are authorized per year, with more events authorized for properties not located in well-developed parts of the city and with more people (and therefore noise) also allowed in areas with little development.

When alcohol is provided at special events

The Commission wanted to be sure applicants for special exceptions are aware they have to meet TABC regulations if alcohol is to be served at any special events held on their property. I've added language to the proposed ordinance to address this item.

Permit for each event

Per the Commission's request, I have added a statement to the ordinance that a permit must be granted for a special function before a special function may be held.

Initial special exception to be granted for no longer than one year

The Commission wanted the first special exception to be granted for no more than one year. In reviewing the proposed ordinance, I saw that that requirement was already included in the ordinance, so this item has already been addressed.

Clarify what counts as personal use of a property

The Commission wanted to make sure that it was clear that a property owner would be permitted to use their property for personal use (e.g., hosting a party for a family member or friend) without having to get a special exception. I've amended the definitions for special functions to better separate out the personal use from the non-personal, which would require a special exception. Please note that even after P&Z review and approval, the definition will be subject to change, as needed, based on recommendations from our attorney.

Staff recommends approval of the ordinance, as amended.

Action by the Planning & Zoning Commission.

The city code describes the Commission's role in requests to amend the zoning code [in Sec. 17-429(e)]: after conducting a hearing, you shall report your recommendation to the City Council. You may recommend approval or denial, with or without prejudice.

For your reference, sample motions are listed below.

- * I make a motion to recommend approval of Case PZ 14-10.
- * I make a motion to recommend approval of Case PZ 14-10, with the following changes to the ordinance {list changes}.
- * I make a motion to recommend denial of Case PZ 14-10.
- * I make a motion to recommend denial of Case PZ 14-10, without prejudice.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.
PZ 14-10 ordinance (draft)
PZ 14-10 ordinance rev.docx

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17, ARTICLE VI, “ZONING”, OF THE CODE OF ORDINANCES OF THE CITY OF KENNEDALE, TEXAS, AS AMENDED, BY AUTHORIZING SPECIAL EXCEPTION APPROVAL OF SPECIAL FUNCTIONS IN SINGLE FAMILY RESIDENTIAL DISTRICTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; 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, the City Council has determined that it is appropriate to amend the Comprehensive Zoning Ordinance to allow a limited number of special functions at single family residences within the City, subject to reasonable terms and conditions established by the Board of Adjustment; and

WHEREAS, public hearings were held by the Planning and Zoning Commission of the City of Kennedale, Texas, on **December 18, 2014**, and by the City Council of the City of Kennedale, Texas, on _____, **2015**, with respect to the amendments described herein; and

WHEREAS, all requirements of law dealing with notice and publication and all procedural requirements have been complied with in accordance with the Comprehensive Zoning Ordinance and Chapter 211 of the Local Government Code.

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

SECTION 1.

Chapter 17, Article VI, Section 17-431 of the Kennedale City Code is hereby amended by adding the following definition:

Special Function means a gathering, party or other event held on a limited occasion at a single family residence, including but not limited to, wedding/anniversary receptions, graduation/birthday parties, and benefits. Special Functions other than for persons or families that reside at the residence shall only be allowed upon approval of a special exception by the

Board of Adjustment. In no case shall a special exception be required for a person residing at the residence to hold a special function for himself or another person residing at that residence, or for a family member or personal friend of a person residing at the residence, provided that no fee is charged or donation required as part of the special function.

SECTION 2.

Chapter 17, Article VI, Section 17-430 of the Kennedale City Code is hereby amended by adding a new subsection (i)(3) to read as follows:

(i) *Authorized special exceptions.*

* * *

- (3) Special Functions in Single Family Residential Districts. A special function as defined in Section 17-431 may be permitted in an R-1, R-2 or R-3 Residential District. The maximum term of initial special exception approval will be for a period of one year. The special exception may thereafter be renewed for longer periods of time if the use is in compliance with all applicable conditions. A special function approval is subject to the following conditions:
- a. Regardless of the granting of a special exception for special functions, no special function shall be permitted unless the recipient of a special function special exception has applied for and received a special function permit from the City at least 14 days prior to any special function;
 - b. Maximum of ~~four~~ nine events per year;
 - c. The Board of Adjustment shall designate the maximum number of persons allowed per function based on the recommendation of the building official or fire department on a case by case basis;
 - d. Each function may only occur during hours specifically prescribed by the Board;
 - e. Parking shall be in compliance with Section 17-424. Parking in the yard is prohibited. The number of paved parking spaces required shall be set by the Board of Adjustment, with a minimum of one paved space required per 10,000 square feet of site area of the property for which the special exception is to be granted;
 - f. Applicant must send notice of each function to adjacent property owners and to the City at least 10 days in advance of the special function;
 - g. Adequate screening is provided to protect the neighbors from adverse effects of the special function;
 - h. The special function shall not create noise levels that are in violation of City noise regulations. No single event maximum sound disturbance shall exceed 70db, measured from the property line. In addition, the owner of any property on which more than four special events per year (starting from the date the special exception is granted) is permitted to be held shall be required to submit a sound mitigation plan under Section 15-158 of the Kennedale City Code, as approved by City staff, as part of the special exception application;
 - i. There must be at least 14 days between special functions;

- j. If alcohol is to be served at a special function, the property owner shall submit to the City documentation that appropriate permissions from the Texas Alcoholic Beverage Commission have been received, with the documentation to be submitted at least three days before the special function;
- k. Special exceptions for special events shall only be granted to non-profit organizations or for events for which all proceeds benefit a non-profit organization. The applicant for a special exception for special functions shall submit documentation with the application sufficient to demonstrate that the special event will meet this requirement; and
- l. Such other reasonable terms and conditions as may be prescribed by the Board of Adjustment to assure that the special function will not unreasonably impact the use and enjoyment of adjoining properties.

The Board shall have the authority to revoke the special exception upon a determination that the special functions are being conducted in a manner that adversely impacts the use and enjoyment of adjoining properties.

SECTION 3.

This Ordinance shall be cumulative of all other ordinances of the City of Kennedale, and shall not repeal any of the provisions of such ordinance except in those instances when provisions of such ordinances are in direct conflict with the provisions of this ordinance, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraph or section 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 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 unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

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 6.

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 7.

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

SECTION 8.

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 ____ day of _____, 2014.

MAYOR

Attest:

CITY SECRETARY

Effective Date: _____

Approved As To Form And Legality:

CITY ATTORNEY



Date: January 15, 2015

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

CASE # PZ 14-12 Public hearing and consideration of Ordinance approval regarding a request by Kennedale Economic Development Corporation for a zoning change for approximately 19.46 acres from "AG" Agricultural district to "PD" Planned Development district at 1001 Corry A Edwards Dr, an unaddressed parcel on Bowman Springs Rd, 1021 Bowman Springs Rd, & 1083 Bowman Springs Rd, legal description of Woodlea Acres Addn Blk 1 Lots 18A, 18B, 19R, and 20R1.

1. Staff presentation
2. Public hearing
3. Staff summary and response
4. Action by the Planning & Zoning Commission

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: rezone from AG to PD

Location: various properties on Bowman Springs, near intersection with Corry A Edwards Dr

Applicant: City of Kennedale

Surrounding land uses: commercial, industrial, educational, residential (see attached map)

Background.

The properties in question are zoned Agricultural and are identified in the Future Land Use Plan as Neighborhood, Park & Open Space, and School (see attached excerpt from the Future Land Use Plan). Several of the properties are undeveloped. The property located at 1021 (Lot 20R1) Bowman Springs Rd is owned by and is in use by Fellowship Academy, a private school. The property at 1083 Bowman Springs was acquired by the City of Kennedale as part of the Bowman Springs Rd realignment, and the remaining, unneeded portion was later conveyed to the Kennedale Economic Development Corporation, its current owner. The property at 1001 Corry A Edwards is in use as a residence, and the unaddressed parcel is classified by Tarrant Appraisal District as vacant commercial.

Suitability of Existing Zoning

The surrounding land uses are a blend of residential, commercial, and industrial. The largest property included in the rezoning request (recently replatted; shown on your map as two lots) is already developed with a private school. Of the remaining three parcels, only one could meet the size requirements for keeping of livestock. And although these parcels are permitted to be used for farming (no livestock), their small size makes it unlikely they would be used for any kind of farming other than hobby farming incidental to other uses.

In addition, due to the location of these properties, they are unlikely to be developed for residential use. Bowman Springs is a busy thoroughfare not designed for residential frontage, and moreover, most of the properties are surrounded by or abut non-residential uses. For example, the unaddressed property on Bowman Springs is between a school and an industrial complex. 1001 Corry A Edwards is across the street from the junior high, across the street from Fellowship Academy, and next to a church. 1083 Bowman Springs is located at an intersection between a residential and non-residential street, and the kind of traffic generated on Bowman Springs makes this property unattractive for residential use. And unlike the undeveloped property on the other corner across Corry A Edwards (Emerald Crest, a 5-lot, undeveloped subdivision), this property does not abut a residential subdivision, which would help lend a residential feel to the property. If these properties were large, it might be possible to develop a small residential subdivision in a way that would be buffered from the major street and surrounding non-residential uses, but the size of these properties greatly limits that option.

Staff Review.

Compliance with Comprehensive Land Use Plan.

The comprehensive land use plan describes the Neighborhood and Park & Open Space categories as follows (excerpts).

Neighborhoods

This district is primarily residential in nature. Neighborhoods should have defined boundaries, a clear center, and be easily accessible to day-to-day goods and services, such as those provided at Neighborhood Villages.

Park & Open Space

Parks and Open Space follow Kennedale's "green infrastructure" system—a composite of the city's existing and new parks, open spaces, and linear greenways along the creeks and floodplain corridors in the city. The greenways offer an opportunity to enhance the city's recreational and transportation networks by connecting parks, neighborhoods, and destinations throughout the community.

The proposed ordinance would continue to allow single-family residential as a permitted use, but it would also allow for commercial uses that fit the surrounding educational uses (Kennedale Junior High and Fellowship Academy). Such uses would fit with the neighborhood character of surrounding properties and would be compatible with nearby parks and open spaces, as well.

Compliance with the strategic plan.

One recommendation from the strategic plan relates to this rezoning request, albeit indirectly. The plan describes the need for a community recreation center and recommends that steps be taken to establish a youth recreation center in Kennedale. While this rezoning would not create a recreation center, it could facilitate attracting a recreation center through establishment of a district meant for this kind of use.

Compliance with City Council priorities.

The Council's priorities do not directly address this case, but at least two of the Council's priorities relate to the rezoning request. Leverage resources is one of the Council's financial goals; if the rezoning leads to development of an after-school facility of some sort, the City may be able to partner with the business to provide a youth recreation center, boys' or girls' club, or similar facility. Of course, this depends on a relevant business opening in Kennedale, but the establishment of the requested PD could help the City's economic development efforts to attract this kind of business. And encouraging after-school and educational uses fits with another Council goal, Be Family Oriented.

Staff Recommendation.

Staff considers this rezoning request to be in compliance with the comprehensive land use plan. While the City is required to be guided by the comprehensive land use plan in making decisions on rezoning requests, it is not required to strictly follow the boundaries of the character districts shown in the Future Land Use Plan. These boundaries are guidelines, and while they are not to be taken lightly, the City is allowed some flexibility in interpreting them in cases such as this -- when the character districts indicated in the FLUP are not in line with what is really feasible. Given the size of the properties in question and their location, development as residential neighborhoods or parks is unrealistic. The proposed planned development district allows for single family residential use, in keeping with the Neighborhood character district, but it also allows for more feasible non-residential uses. The restricted list of permitted uses helps to ensure compatibility with surrounding residential and educational uses.

Staff recommends approval.

Action by the Planning & Zoning Commission.

The city code describes the Commission's role in requests for rezoning [in Sec. 17-429(e)]: after conducting a hearing, you shall report your recommendation to the City Council. You may recommend approval or denial, with or without prejudice.

For your reference, sample motions are listed below.

- * I make a motion to recommend approval of Case PZ 14-12.
- * I make a motion to recommend approval of Case PZ 14-12, with the following changes to the ordinance {list changes}.
- * I make a motion to recommend denial of Case PZ 14-12.
- * I make a motion to recommend denial of Case PZ 14-12, without prejudice.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

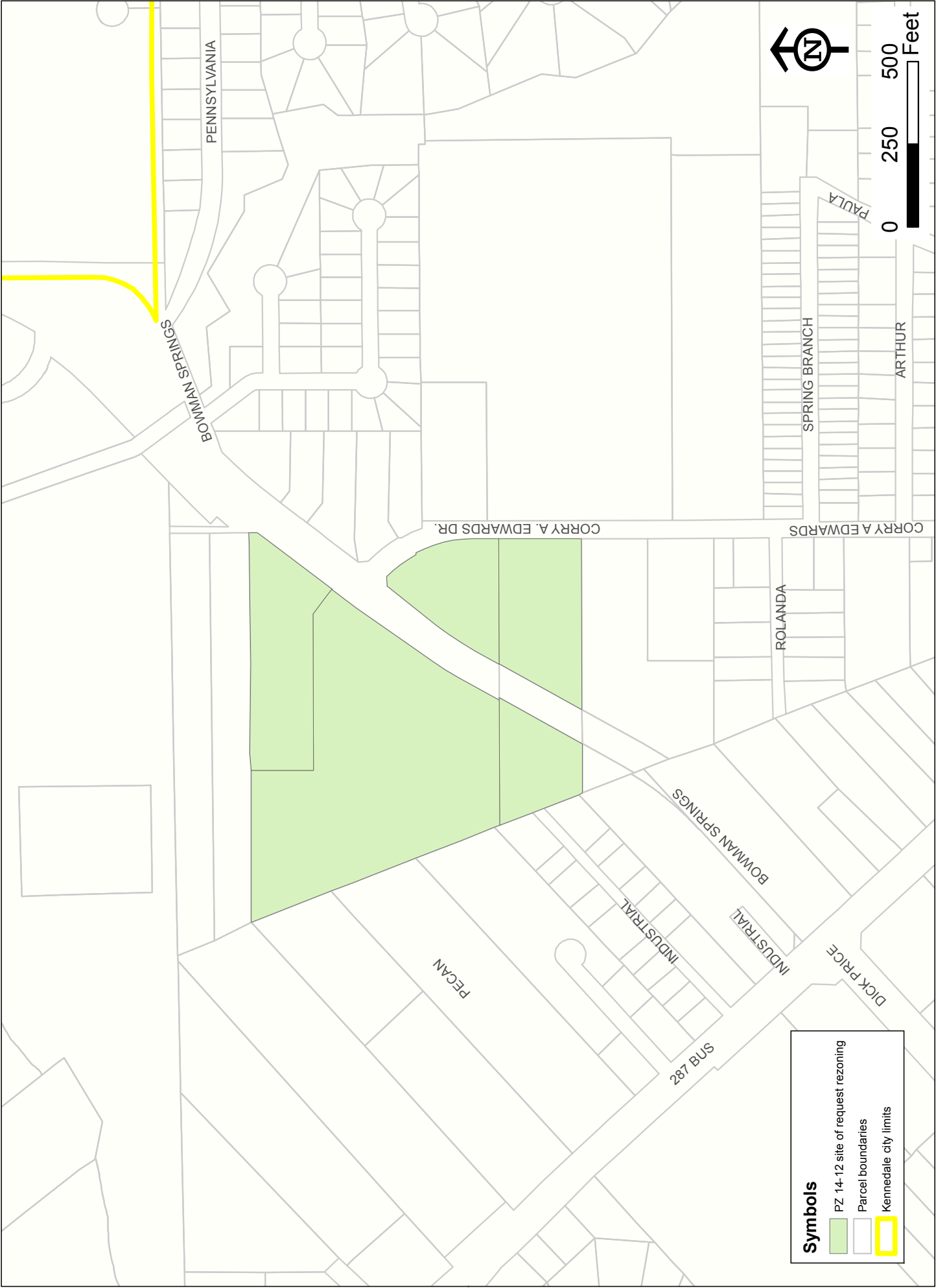
Approve

VIII. Alternative Actions:

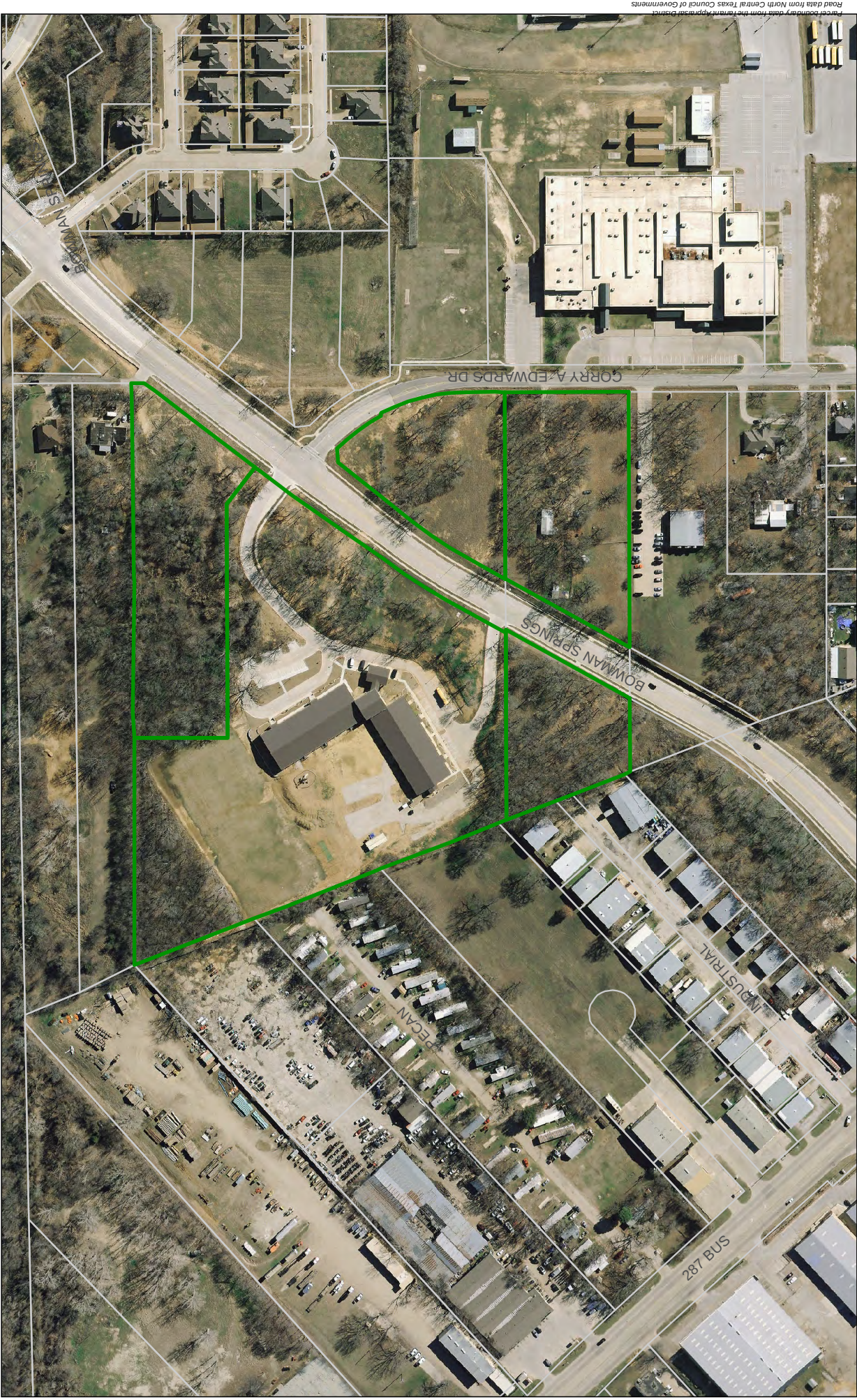
IX. Attachments:

1.	PZ 14-12 map showing site of request	PZ 14-12 site of request.pdf
2.	PZ 14-12 aerial view	PZ 14-12 aerial view compressed.pdf
3.	PZ 14-12 surrounding land uses	PZ 14-12 surrounding land uses.pdf
4.	State Use Codes	TAD state use codes.pdf
5.	FLUP excerpt	PZ 14-12 FLUP excerpt.pdf
6.	PZ 14-12 ordinance (draft)	PZ 14-12 ordinance (draft).docx

PZ 14-12 Rezoning Requested: Location of Site



PZ 14-12 Rezoning Requested: Aerial View



Symbols

PZ 14-12 site of request rezoning

Parcel boundaries

N

0

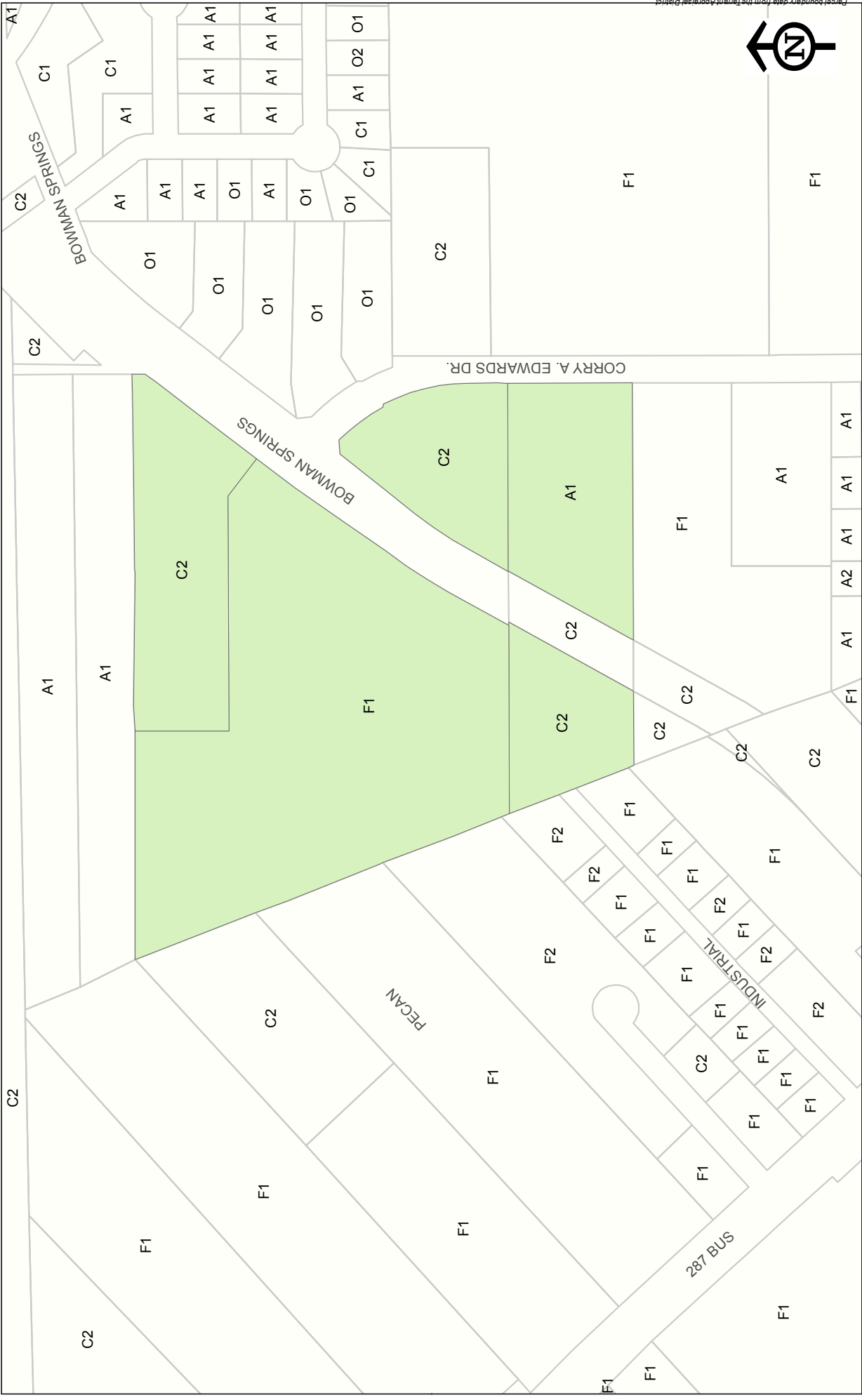
250

500

Feet

Road data from North Central Texas Council of Governments

PZ 14-12 Rezoning Requested: Surrounding Land Uses



Surrounding Land Uses (per Tarrant Appraisal District)

PZ 14-12 site of request rezoning

Parcel boundaries

- A1 Single family residential
- C1 Vacant residential lot or tract
- C2 Vacant commercial lot or tract
- F1 Commercial
- F2 Industrial

STATE USE CODES

A RESIDENTIAL	
A1	Single-Family
A2	Mobile Homes
A3	Condominiums
A4	Townhomes
A5	Planned Unit Development (PUD)
A9	Interim use

B RESIDENTIAL	
B1	Multi-Family
B2	Duplex
B3	Triplex
B4	Quadraplex

C VACANT PLATTED LOTS/TRACTS	
C1	Residential
C2	Commercial
C3	Rural
C6	Vacant Exempt (Right-of-Way)

D ACREAGE	
D1	Ranch Land
D2	Timberland
D3	Farmland
D4	Undeveloped

E FARM/RANCH	
E1	House + Limited Acres
E2	Mobile Home + Limited Acres
E3	Other Improvements

F COMMERCIAL/INDUSTRIAL	
F1	Commercial
F2	Industrial
F3	Billboards

G OIL/GAS/MINERAL RESERVES	
G1	Oil/Gas/Mineral Reserves

J UTILITIES	
J1	Water Systems
J2	Gas Companies
J3	Electric Companies
J4	Telephone Companies
J5	Railroads
J6	Pipelines
J7	Cable Companies
J8	Other

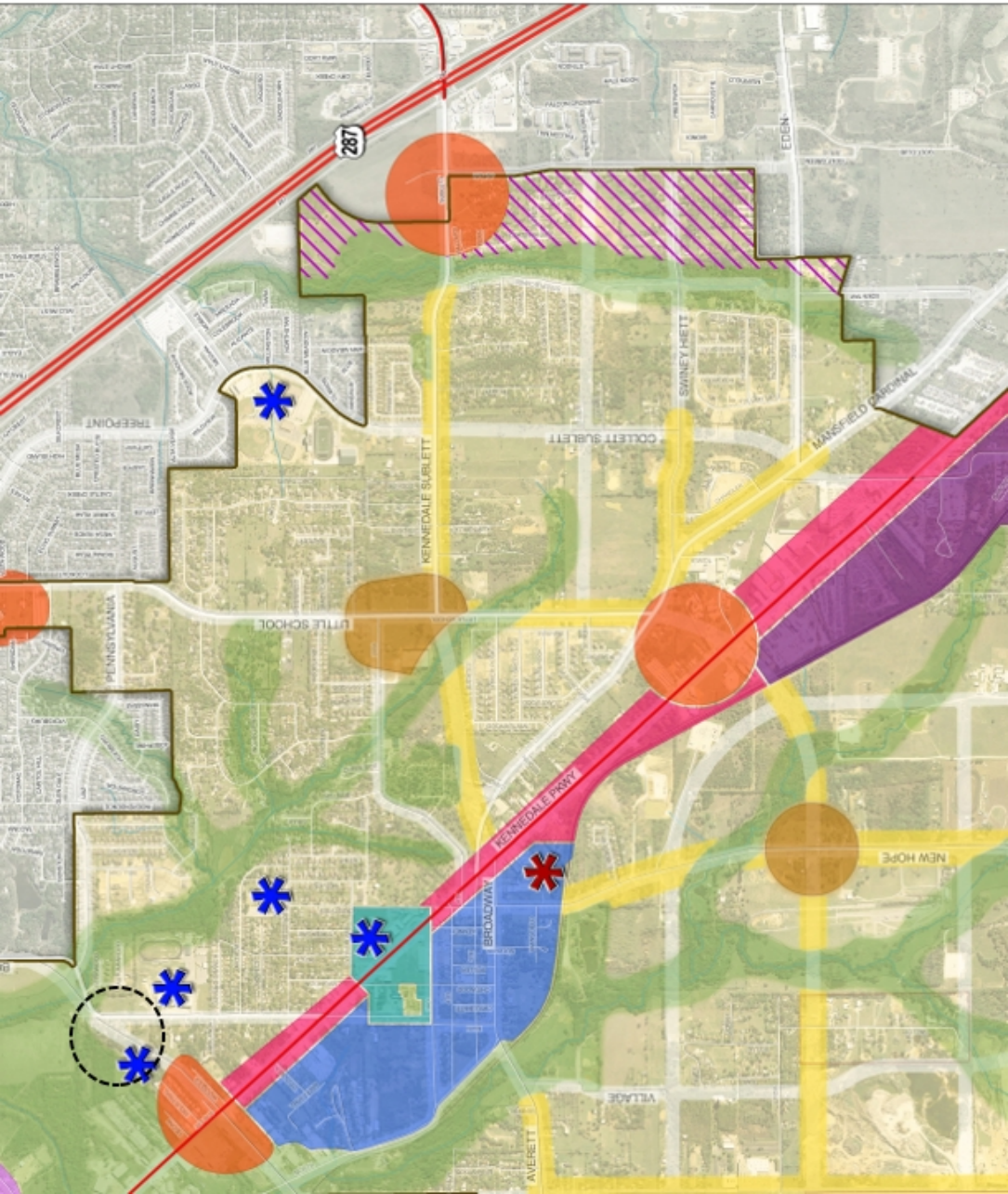
L COMMERCIAL/INDUSTRIAL	
L1	Commercial BPP
L2	Industrial BPP

M MOBILE HOMES	
M2	Private Aircraft
M3	Mobile Home
M4	Other Tangible PP

O RESIDENTIAL INVENTORY	
O1	Vacant
O2	Improved

FUTURE LAND USE PLAN

CATEGORIES



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED; REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM "AG" AGRICULTURAL 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 Future Land Use Plan of the comprehensive land use plan designates character districts, with certain areas designated as Neighborhood or Park & Open Space; and

WHEREAS, certain properties within these character districts located near schools or other commercial or industrial uses are not suitable for residential or park use but are suitable for educational and related uses; and

WHEREAS, the City Council has determined that a planned development zoning district would allow for suitable development of these properties in keeping with the goals and intent of the comprehensive land use plan and compatible with existing surrounding residential land uses; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 15th day of January 2015 and by the City Council of the City of Kennedale on the 19th day of January 2015 with respect to the zoning changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, 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 Zoning Ordinance as described herein.

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

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 19.46 acre tract in the J Prickett Survey, more particularly described as Woodlea Acres Addn Blk 1 Lots 18A, 18B, 19R, 20R1, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "AG" Agricultural District to Planned Development District 14-12 ("PD 14-12") for residential and educational-related uses.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth below. The use of the Property shall further conform to the standards and regulations of the "C-1" General Commercial District and to Chapter 17, Division 10 Subdivision Design Criteria of the City of Kennedale City Code, to the extent not modified in this Ordinance, and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, where not otherwise controlled by the regulations set forth below. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirements to the extent of a conflict:

1. *Permitted Uses.* The only permitted uses in the "PD 14-12" shall be:
 - a. *single family detached residential;*
 - b. *guest house*, subject to the requirements under Section 17-421 of the Kennedale City Code and any other applicable regulations;
 - c. *accessory building;*
 - d. *park, playground, or open space, including detention or retention facilities;*
 - e. *kindergarten or pre-kindergarten;*
 - f. *elementary, middle, or high school (public or private);*
 - g. *child day care;*
 - h. *after school care;*
 - i. *tutoring or learning center;*
 - j. *gymnastics facility*, where persons under the age of 18 are the primary users;
 - k. *gymnasium*, where persons under the age of 18 are the primary users; *and*
 - l. *dance instruction*, where persons under the age of 18 are the primary users.

2. *Lot size.* Lot size requirements shall be as follows.

Lot Type	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Area (square feet)
Residential	75	100	8,750
Non-residential	50	100	5,000

3. *Lot coverage.* Lot coverage shall not exceed sixty (60) percent of the lot. *Lot coverage* means the percentage of the total area of a lot occupied by the first story or ground floor of all buildings located on the lot.

4. *Minimum livable area.* The minimum livable area for all primary residential structures is 1,250 square feet.

5. *Setbacks.* The Hilltop PD herein approved shall require the following minimum setbacks:

Lot Type	Front Setback Minimum (ft.) – primary structure	Rear Setback Minimum (ft.)	Side Setback Minimum – R-o-W Adjacent (ft.)	Side Setback Minimum – Interior (ft.)
Residential	25	20	15	8
Non-residential*	10	10	15	8

* Where a new commercial structure is proposed to be built on a lot adjoining a property with an existing residence as the primary use, the setbacks for non-residential use shall be as follows for the property line adjoining the residential use. For the sides of the property not adjoining an existing residential primary use, the setbacks shall be as shown above.

- a) Rear setback: 25 feet
- b) Side setback (interior): 20 feet

6. *Building height.* Buildings shall not exceed a height of two and one half (2 ½) stories, at a maximum of forty-five (45) feet in height.

7. *Building materials.* All primary structures shall be constructed of stone, Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank, or 3-coat/3-step stucco. All primary structures shall use a minimum of 80% masonry.

8. *Pedestrian-oriented entrance.* The primary entrance for primary structures shall be oriented toward the street, whenever feasible. If site design constraints require a primary entrance to be oriented toward an off-street parking area rather than a public street, a pedestrian-oriented entrance shall be provided on at least one street-facing side of the building (at least one side of the building not oriented toward the off-street parking area). The entrance shall provide a connection to the closest street or sidewalk (or a farther street/sidewalk if another street or sidewalk is more pedestrian-oriented).
9. *Glazing.* Primary structures shall have a minimum twenty percent (20%) glazing and a maximum of sixty percent (60%) glazing on at least one (1) elevation and a minimum ten percent (10%) glazing (60% maximum) on at least one (1) other elevation.
10. *Parking for residential use.* Parking spaces for at least two (2) motor vehicles shall be provided in an enclosed garage for any single family dwelling constructed within PD 14-12. Front-entry garages are prohibited. J-swing garages that accommodate more than two (2) vehicles are prohibited.
11. *Blank walls not permitted.* Blank walls longer than sixty (60) feet are prohibited for any wall visible from a public street. For purposes of this ordinance, “blank wall” means any building wall that is a portion of a building wall or façade without a window or door or similar architectural feature and is over four feet in height from ground level and longer than 60 feet, as measured horizontally, without having a window, door, building modulation, or other similar architectural feature meant to lessen the apparent bulk or massing of a structure.
12. *Landscaping.* Landscaping shall be regulated by the Kennedale City Code except as otherwise controlled by this ordinance.
 - a. *Lawns.* All residential lots shall have sodded front and rear lawns and shall be fully sprinklered.
 - b. *Plants.* Use of native or adaptive xeriscape plants is required for all new development permitted after the date the ordinance is adopted.
 - c. *Irrigation.* Sprinkler systems should be controlled by an automatically controlled timer, unless the use of the property would otherwise prohibit use of a timer. Irrigation systems shall be installed with a rain shut off sensor. The irrigation system shall be designed so that overspray onto structures, streets, sidewalks, windows, walls, and fences is minimized.
 - i. High-efficiency irrigation systems, such as (but not limited to) drip or soaker hose systems, are required for non-turf areas.
 - ii. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency (such as a main line break) or routine repair.
 - iii. The use of rain cisterns is permitted.
 - iv. Cisterns must be located in the rear yard or side yard and must be screened so

as not to be seen from the public street. Screening must meet the screening materials regulations of the Kennedale City Code.

1. Cisterns may not exceed ten (10) percent coverage in any required yard.
2. A cistern of less than three (3) feet in diameter may be placed anywhere in the rear yard. A cistern with diameter of three (3) feet or more shall be a minimum of eight (8) feet from any side lot line and eight (8) feet from any rear lot line.
3. A cistern may not be greater than six (6) feet in height.

13. *Lighting.*

- a. All luminaries used primarily for illuminating off-street parking areas, lighted canopies for commercial uses, and similar lighting needs shall have a maximum height of twenty (20) feet.
- b. All luminaires used primarily for walkways, trails, security, decorative effects, lighting equipment or storage areas, fountains, art work, building walls, or similar lighting needs shall have a mounting height no higher than fourteen (14) feet.
- c. Light trespass shall be minimized; light levels at the property line should not exceed 2 footcandles (fc). Footcandle means the unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.
- d. Fixtures for decorative lighting must be selected, located, aimed, and shielded so that direct illumination is focused solely on the building façade, plantings, and other intended site feature, and away from adjoining properties and the public street right-of-way.
- e. The operation of searchlights for advertising purposes is prohibited.

- 14. *Sidewalks.*** Sidewalks are required and shall conform to the Kennedale City Code, the Kennedale Public Works Design Manual, and any other applicable city regulations or requirements. Notwithstanding the requirements of Kennedale City Code and other applicable requirements, sidewalks may be constructed of permeable materials and may be designed and constructed using low-impact development standards if approved, in writing, by the Director of Public Works. Review and approval of low-impact infrastructure or public facilities shall follow the process for review and approval of standard infrastructure or public facilities as set forth in the codes, regulations, and design manuals of the City of Kennedale. Low-impact development standards shall not be approved unless the Director of Public Works is satisfied the materials and construction methods used will meet the same standards for safety and durability as used in standard sidewalk construction within the City of Kennedale.

SECTION 3.

The zoning districts and boundaries as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They 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, 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 Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 5.

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, Texas.

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 and 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 unconstitutional by

the valid judgment or decree of any court of competent jurisdiction such 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 unconstitutional phrase clause sentence paragraph or section.

SECTION 10.

The City Secretary of the City of Kennedale is hereby directed to publish the caption penalty clause publication clause and 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.

PASSED AND APPROVED ON THIS 19TH DAY OF JANUARY 2015.

APPROVED:

Brian Johnson, Mayor

ATTEST:

Leslie Galloway, City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Exhibit A

Legal Description

Tract 1:

Woodlea Acres Addition, Block 1, Lot 20R1, conveyed to Fellowship Academy by Warranty Deed filed on May 26, 2011, instrument number D211124250, by Warranty Deed filed on July 3, 2014, instrument number D214141700.

Tract 2:

Woodlea Acres Addition, Block 1, Lot 19R, conveyed to the Kennedale Economic Development Corporation by Warranty Deed filed on January 11, 2013, instrument number D213009152.

Tracts 3 & 4:

Woodlea Acres Addition, Block 1, Lots 18A & 18B, conveyed to Mychele Tran and Hiep Nguyen by Warranty Deed filed on November 1, 2007, document number D207391013, save and except that portion acquired by the City of Kennedale for right-of-way.