



**KENNEDALE**  
Planning and Zoning Commission  
[www.cityofkennedale.com](http://www.cityofkennedale.com)

**KENNEDALE PLANNING & ZONING COMMISSION**  
**AGENDA**  
**COMMISSIONERS - REGULAR MEETING**  
**September 17, 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. Joint work session with the City Council
- B. Discuss overlay ordinances for Urban Village and Neighborhood Village character districts

**IV. REGULAR SESSION**

**V. CALL TO ORDER**

**VI. ROLL CALL**

**VII. MINUTES APPROVAL**

- A. Consider approval of minutes from August 20, 2015 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**

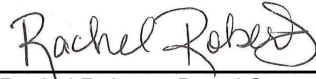
**X. REPORTS/ANNOUNCEMENTS**

**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 the City Secretary at 817.985.2104 or (TDD) 1.800.735.2989

**CERTIFICATION**

I certify that a copy of the September 17, 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.

A handwritten signature in cursive script that reads "Rachel Roberts". The signature is written in dark ink and is positioned above a horizontal line.

Rachel Roberts, Board Secretary



## STAFF REPORT TO THE BOARD OF DIRECTORS

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**Date:** September 17, 2015

**Agenda Item No:** WORK SESSION - A.

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**I. Subject:**

Joint work session with the City Council

**II. Originated by:**

**III. Summary:**

At this time, the Planning & Zoning Commission will discuss topics of common interest or concern. The Planning & Zoning Commission has identified the following topics as a priority for discussion.

- 30-day window for approving a final plat; the Commission would be interested in hearing the Council's position and how they propose to resolve some of the issues
- Update on Oak Crest and the Employment Center District;
- TIRZ district and planning strategy in this district; and
- Senior Living development on New Hope - P&Z would like a "postmortem."

**IV. Notification:**

**V. Fiscal Impact Summary:**

**VI. Legal Impact:**

**VII. Recommendation:**

None

**VIII. Alternative Actions:**

**IX. Attachments:**

## STAFF REPORT TO THE BOARD OF DIRECTORS

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**Date:** September 17, 2015

**Agenda Item No:** WORK SESSION - B.

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**I. Subject:**

Discuss overlay ordinances for Urban Village and Neighborhood Village character districts

**II. Originated by:**

Rachel Roberts, City Planner

**III. Summary:**

Jay Narayana of Livable Plans & Codes has completed her audit of staff's draft ordinance adopting overlay districts for the Neighborhood Village and Urban Village character districts. Staff is revising the ordinance based on her comments, and the ordinance will be presented for public hearing and consideration by the Planning & Zoning Commission in October. In the meantime, a summary of the suggested changes are listed below. Staff would appreciate direction from the Commission on the suggested changes.

Revisiting the comprehensive plan's goals and policies for these Village character districts should make it easier to weigh in on the suggestions, so excerpts from the comprehensive plan are attached for your reference. The Commission may want to discuss a range of options for revising the ordinance in line with the City's policies, and staff will be prepared to advise the Commission on the advantages and disadvantages of various regulations.

NOTE: the draft ordinance reviewed by Livable Plans & Codes is attached to this message. This version does not include any of the changes suggested by Livable Plans & Codes.

**1) Building height.** The draft ordinance does not include a standard for building height. The comprehensive plan says building height within the Urban Village should be 3 to 5 stories. Existing code does not allow any buildings over 3 stories in height. It is expected that buildings of 1 to 2 stories will continue to be all the market can support for the near future and therefore should be permitted in the overlay district, and buildings of this height are already permitted in the draft ordinance. However, since the eventual goal is for the Urban Village to have taller buildings, the City may want to lay the groundwork now for these additional heights to be permitted. We recommend adding language to the overlay ordinance that would allow buildings up to a maximum of 4 stories in height, with regulations requiring additional setbacks (or building stepbacks for upper stories) for these taller buildings located next to existing residential uses.

One of the advantages of allowing greater building height is that the areas designated as Urban Village in the Future Land Use plan can begin to transition to the desired character sooner as new development, rather than as redevelopment at a future date. It should be noted, though, that taller buildings are rare in Kennedale, and it could take some time before residents adjust to buildings of this height.

**2) Setbacks.** Livable Plans & Codes recommends reducing the minimum front setbacks for

residential and non-residential use from the proposed 20 feet to 10 feet, except for corner residential lots, and also recommends reducing the rear setback for residential corner lots from the proposed 30 feet to 20 feet, or as specified by the Public Works Design Manual. These reduced setbacks will make a strong contribution to the pedestrian character of the Village districts. Like taller buildings, though, it will take some adjustment for residents to get used to seeing these smaller setbacks that are typically seen only in urban areas or historic neighborhoods.

**3) Parking to the side of the main structure.** An earlier draft of the ordinance had a percentage maximum for how much of the width of the lot would be permitted to be used for parking on the side of the main structure. The Commission requested a specific distance be used instead. Ms. Narayana recommends a combined approach -- allowing a maximum of 60 feet to allow a double-loaded parking aisle (a row of parking along each side of a drive aisle), but also applying a percentage for lots smaller than a set width, for example, 120'. These lots would have a cap based on percentage rather than a set distance. Ms. Narayana notes that a single-loaded parking aisle will require a higher amount of impervious cover per parking space, making parking more expensive to build; allowing two rows of head-in parking will be much more cost-efficient and should not impede development while still limiting the amount of frontage used for parking. Staff recommends allowing the 60' width with the addition of appropriate street wall requirements that compliment the pedestrian character of the Village districts.

**4) Parking maximums.** The draft ordinance uses the city code's standard parking requirements for setting the minimum number of parking spaces. Livable Plans & Codes suggests using a more streamlined parking approach instead, similar to the one used in the Employment Center District code (parking minimum in that code are based on broad categories, such as residential or non-restaurant commercial). This approach makes sense, given how our existing regulations already tend to have similar parking space requirements for similar uses. This approach would make the parking requirements easier to use.

**5) Parking maximums.** The draft ordinance sets a cap of 50% on how much parking a developer or business may construct above what is required. For example, if a use only requires 20 parking spaces, the maximum number of spaces that could be provided is 30. Ms. Narayana recommends a more market-based approach, either eliminating the maximum entirely or raising the number to 75%. She noted that a business is most likely to know how much parking it needs and, moreover, that businesses may not be able to use shared parking if there is a cap on the number of spaces one business may provide. Staff would not recommend eliminating the cap entirely for both districts, as we don't want to encourage over-parking, but we do want to ensure businesses are able to provide enough parking for their customers. Staff recommends eliminating the parking maximum from the Urban Village overlay district, where visitors are encouraged to park once and walk to various destinations; it is assumed that most visitors to this site will be coming by car and, realistically, plenty of parking will be needed. In the Neighborhood Village overlay, however, staff recommends retaining the maximum but raising it to 100% of the minimum (or a larger number if the Commission would prefer). It is assumed that most visitors to the Neighborhood Village overlay districts will be coming from nearby surrounding neighborhoods, and a number of these visitors will come on foot, although some will choose to visit by car.

**6) Sidewalk widths.** The comprehensive plan calls for sidewalk widths of 5 to 8 feet in the Village character districts, so the sidewalk width requirements for the overlay districts is 5 to 8 feet. Livable Plans & Codes recommends not establishing a maximum sidewalk width, since businesses such as sidewalk cafes will need a much wider sidewalk. Staff recommends following this suggestion and not

setting a maximum sidewalk width.

**7) Streetscape standards.** The original draft did not contain many standards for streetscapes. Ms. Narayana recommends establishing standards for the main streets in these districts and especially encourages requiring trees for areas where the City hopes to encourage pedestrian activity. Staff will therefore add streetscape standards (including tree requirements) for main streets in these districts, if the Commission is comfortable with that approach. Because the regulations governing these districts are subject to change once the full code revision is completed, staff is reluctant to add too many regulations to the overlay district at this time. Staff therefore proposes to strike a balance between the streetscape regulations of the city's existing city code and the regulations of a fully developed code, such as the Downtown Village code.

**8) Parking in front of the primary structure.** The original drafts of regulations for the Urban Village would have allowed some parking between the front of the primary structure and the adjacent street right-of-way, but the latest version of the ordinance does not. Ms. Narayana recommends adding this permission back to the latest version of the Urban Village draft regulations. She notes that in areas where on-street parking is not permitted or wouldn't be likely to occur due to existing conditions, allowing parking in front of the building could be a way to create a form of on-street parking, which adds to walkability and pedestrian character. Ms. Narayana also notes that the comprehensive plan describes the Urban Village as being more suburban on the edges, and parking between a building and the street would be in keeping with a suburban character. If the Commission agrees, we will add in the regulations from the older drafts that allow parallel or head-in parking in front of a primary structure, provided that the head-in parking is deep enough to allow drivers to back up without moving into the travel lane of the street.

**9) Prohibited uses.** The proposed draft prohibits gas stations / service stations in Village character districts. Livable Plans & Codes notes that many grocery stores these days include gas stations and recommends the Commission allow gas stations with a conditional use permit or special exception in the Urban Village. The City may also want to consider permitting some other auto-oriented uses by special exception or conditional use permit, such as auto inspection stations.

#### **IV. Notification:**

#### **V. Fiscal Impact Summary:**

#### **VI. Legal Impact:**

#### **VII. Recommendation:**

None

#### **VIII. Alternative Actions:**

**IX. Attachments:**

|    |                                                                                     |                                                                          |
|----|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| 1. | Village character districts                                                         | Village Character Districts.pdf                                          |
| 2. | Thorough context with summaries of character districts (comprehensive plan excerpt) | Thoroughfare Context (table from comp plan).pdf                          |
| 3. | Draft ordinance establishing Village overlay districts                              | PZ 15-09 ordinance rev 8-12-15 (adopting Village overlay districts).docx |



## **Villages**

The goal for villages, generally, is to concentrate a cohesive mix of uses in a well-planned center of activity. Villages should promote walkability within the node, and encourage pedestrian access from nearby neighborhoods.

### **Downtown Village**

The Downtown Village preserves and expands the original downtown street grid and block pattern. Uses should include a relatively dense mix of residences and businesses. The village should be easily accessible by pedestrians from the Towncenter and other nearby areas. This village will serve as a gateway into the center of Kennedale, distinguishing it from neighboring communities.

Sample Development Types:

- Professional office
- Specialized retail
- Live-work units
- Café/coffee shop
- Small-lot single family
- Attached single-family
- Townhome/rowhouse
- Accessory dwelling unit
- Plazas/pocket parks
- Community theater

### **Urban Village**

These villages act as gateways into the “core” of Kennedale. These areas should include a dense mix of residences and businesses in a walkable environment. They are similar to Neighborhood Villages, yet larger and of a higher intensity. While Urban Villages should promote pedestrian circulation and access from nearby neighborhoods and areas, it can be expected that a significant number of visitors will access the urban village by car. A “park once and walk everywhere” approach should be taken during the design phase of urban villages to enable convenient and pleasant walking.

Sample Development Types:

- Loft apartments/condos
- Live/Work
- Multi-tenant office
- Retail
- Service
- Movie theater
- Restaurant
- Grocery store
- Large-scale retail
- Plazas/squares



*Stapleton, Denver, Colorado*



*Weatherford, Texas*



*Uptown Village, Cedar Hill, Texas*



*Hingham, Massachusetts*



*The Woodlands, Texas*



*Montgomery Farm, Allen, Texas*

### **Neighborhood Village**

These villages serve the surrounding neighborhood and community. They are smaller and less intense than Urban Villages. Uses should include a dense mix of residences and businesses. Neighborhood Villages should be very easily accessible by foot from the surrounding neighborhoods. Intensity of each Neighborhood Village will vary based on the surrounding context.

Sample Development Types:

- Townhome/Rowhouse
- Context-sensitive small-scale multifamily
- Neighborhood-serving retail and services
- Restaurant
- Café/coffee shop
- Community theater

### **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. The center of a neighborhood should be a civic, public, or community use in which people can come together—such as a park, school, or neighborhood amenity center.

Sample Development Types:

- Single family
- Attached single-family
- Townhome/Rowhouse
- Accessory dwelling unit
- Cluster development
- Context-sensitive small-scale multifamily
- Clearly marked centers that include public gathering space, school, small park, or other civic use

### **Conservation Overlay**

This area is intended to preserve the rural and cultural landscape of Kennedale and serve as a buffer between adjacent communities. This will provide a greenbelt gateway into Kennedale and help the city retain a geographic identity distinct from surrounding areas.

Sample Development Types:

- Conservation subdivision
- Agriculture
- Open space preservation

| TABLE 6.2 – THOROUGHFARE CONTEXT BY LAND USE DISTRICT |                                                                                                                     |                                                                                        |                                                   |                                                                                      |                                 |                                                       |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------|-------------------------------------------------------|
| Land Use District                                     | Character                                                                                                           | Building Design                                                                        | Building Placement                                | Frontage Types                                                                       | Building Height                 | Parking Placement                                     |
| Town Center                                           | Civic uses, including offices, public gathering places, office-supportive retail.                                   | Attached buildings forming continuous street wall                                      | Small or no setback, oriented to street           | Stoops, dooryards, storefronts, arcaded walkways                                     | 3 to 5 story                    | On-street and behind building                         |
| Downtown Village                                      | Dense and diverse mix of residences and businesses                                                                  | Mix of attached buildings and detached buildings                                       | No setback or shallow setback, oriented to street | Stoops, porches, storefronts, arcaded walkways                                       | 2 to 4 story                    | On-street and behind building                         |
| Urban Village                                         | High-intensity nodes of activity with diverse mix of residences and businesses                                      | Attached, multi-story                                                                  | No setback or shallow setback, oriented to street | Stoops, porches, storefronts, arcaded walkways                                       | 3 to 5 story                    | On-street, garage                                     |
| Neighborhood Village                                  | Mix of residences and businesses in primarily residential neighborhood                                              | Mix of attached buildings and detached buildings                                       | No setback or shallow setback, oriented to street | Stoops, porches, storefronts, arcaded walkways                                       | 1 to 2 story, with some 3 story | On-street and behind building                         |
| Urban Corridor                                        | Primarily commercial and businesses on high speed, auto-oriented roadway                                            | Primarily detached buildings                                                           | Large setback for parking and landscaping         | Parking, storefronts                                                                 | 1 to 5 story                    | In front of building; on-street for multi-way parkway |
| Neighborhood Corridor                                 | Primarily commercial and mixed-use along roadway                                                                    | Predominantly attached buildings to form sense of enclosure and continuous street wall | Shallow to medium setback                         | Storefronts,                                                                         | 2 to 3 story                    | On-street, behind buildings                           |
| Neighborhoods                                         | Primarily residential with walkable development pattern and scattered commercial uses that support residential uses | Predominantly detached buildings                                                       | Varying front and side yards                      | Residential: Lawns, porches<br>Commercial: No to shallow setback, oriented to street | 1 to 2 story, with some 3 story | On-street, driveways, behind or beside buildings      |
| Employment Center                                     | Professional offices                                                                                                | Large setbacks                                                                         | Oriented to street                                | Landscaping                                                                          | 5+                              | Parking lot                                           |
| Light Industrial District                             | Industrial uses                                                                                                     | Large setbacks                                                                         | NA                                                | Landscaping                                                                          | 1 to 2 story, with some 3 story | Parking lot                                           |
| Park and Open Space                                   | Recreational activities                                                                                             | NA                                                                                     | NA                                                | NA                                                                                   | NA                              | NA                                                    |
| Conservation Overlay                                  | Agriculture activities and natural features                                                                         | Varies                                                                                 | Varies                                            | Varies                                                                               | Varies                          | Varies                                                |

**AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 17 OF THE KENNEDALE CITY CODE (1991), AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING SECTION 17-420 "OVERLAY DISTRICTS" BY ADDING A NEIGHBORHOOD CENTER OVERLAY DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, in order to promote the public health, safety and general welfare the City Council desires to adopt the proposed amendment to its city code in order to establish regulations that allow for development in keeping with the character of the Neighborhood Village and Urban Village character districts described in the comprehensive land use plan; 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 Planning and Zoning Commission of the City of Kennedale, Texas held a public hearing on August 20, 2015, and the City Council of the City of Kennedale, Texas held a public hearing on September 21, 2015, with respect to the amendments described herein; and

**Whereas**, the City has complied with all requirements of Chapter 211 of the Local Government Code, Section 17-429 of the Zoning Ordinance, and all other laws dealing with notice, publication, and procedural requirements for the approval of amending the Schedule of Uses under Section 17-421 of the Kennedale City Code.

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

**SECTION 1.**

Article VI, "Zoning", of Chapter 17, "Planning and Land Development", of the Code of Ordinances of the City of Kennedale is hereby amended by adding a new section, Section 17-420.1, "Neighborhood Village Overlay District" to read as follows:

(a) *Location of overlay district.* In addition to any other applicable regulations, the

standards contained in this section shall govern the development of land and structures in areas identified in the comprehensive land use plan identified as Neighborhood Village.

(b) *Purpose.* The purpose of the Neighborhood center overlay district is to serve the surrounding neighborhood and community. Uses should include a dense mix of residences and businesses. Neighborhood center districts should be very easily accessible by foot from the surrounding neighborhoods. Intensity of each district should vary based on the surrounding context.

(c) *Applicability in event of conflict.* This section is to be superimposed in addition to the regulations applicable to any approved underlying (or base) district. The existence or use of any building or land in an overlay district shall be subject to the time limitations and amortization provisions set forth in this section and in sections 17-428 and 17-430. To the extent of any conflict between this section and any other provision in any city ordinance, the more strict provision shall prevail.

(d) *Permitted underlying (or base) district.* Prior to the use of any land or building in the overlay district, a permitted underlying (or base) zoning district shall be approved in accordance with section 17-429 of the Kennedale City Code in addition to the overlay district. Permitted underlying zoning districts in the Neighborhood center overlay district are “AG” Agricultural, “R-1” Single Family Residential, “R-2” Single Family Residential, “R-3” Single Family Residential, “C-0” Retail Commercial, “C-1” Restricted Commercial, “C-2” General Commercial.

(e) *Definitions.* For purposes of this section, certain terms herein are defined as follows:

*Frontage* shall have the meaning established in Section 17-310 of the Kennedale City Code.

*Frontage street* means the street from which a primary building's front setback is measured. This is usually also the street on which a building is addressed.

*Primary building* shall have the meaning established in Section 17-310 of the Kennedale City Code.

*Primary entrance* means the main point of access for a building. If the main point of access for employees is different than the main point of access for visitors, the primary entrance shall be the main point of access for pedestrians into a building.

*Primary street* means a street designed to higher standards for pedestrian-oriented design and access, ensuring that the relationship between buildings, the pedestrian realm and the street enforce the desired character for the district. These streets shall have few, if any, gaps in the “street wall” and limit the frontage of off-street parking and service functions. For purposes of this section, Kennedale Sublett Rd, Little School Rd,

New Hope Rd, and Dick Price Rd are considered primary streets. These streets are typically located on the perimeter of a Neighborhood Village; new streets on the interior of a Neighborhood Village may also be designated as primary streets. Perimeter streets designated as primary streets under this section be reclassified as secondary streets under the following conditions.

- (a) No new development under this code, which would create a street wall along a primary perimeter street, has already occurred or been permitted;
- (b) New primary structures built on property having access to the new interior primary street will be oriented to the new street and will be subject to the regulations for primary structures along primary streets.

*Screening wall break* means a gap provided in a screening wall to allow passage of pedestrians, bicyclists, and other non-vehicle traffic.

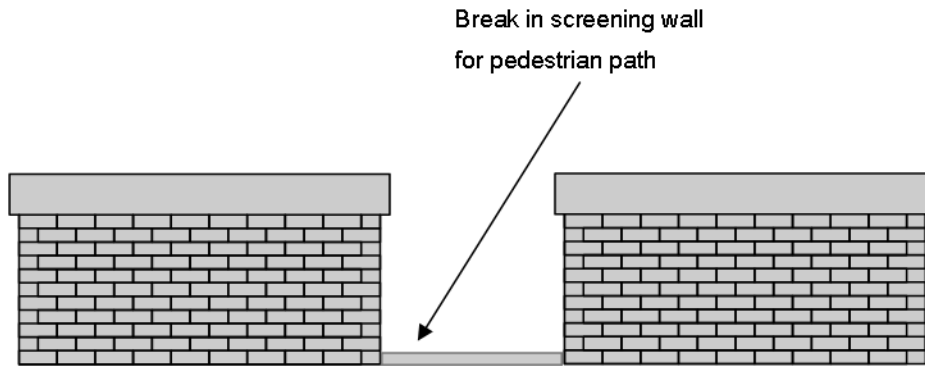


Illustration of break in screening wall.

(f) *Building setback regulations.*

Setbacks for the Neighborhood center overlay district shall be as set forth in the following table. Conforming residential uses in existence or permitted for construction on or before September 21, 2015 shall be considered conforming in terms of setbacks after this ordinance is adopted.

|                        | Front (in feet) |         | Side (in feet)                                    |         | Rear (in feet)               |         |
|------------------------|-----------------|---------|---------------------------------------------------|---------|------------------------------|---------|
|                        | Minimum         | Maximum | Minimum                                           | Maximum | Minimum                      | Maximum |
| Residential            | 20              | 40      | 10                                                | 15      | Per underlying base district | n/a     |
| Residential corner lot | 20              | 40      | 30, or as specified by Public Works design manual | n/a     | Per underlying base district | n/a     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |    |    |                                                            |                                                                           |                    |                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|------------------------------------------------------------|---------------------------------------------------------------------------|--------------------|-----------------|
| Non-residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 20 | 25 | 8 <sup>1</sup>                                             | n/a <sup>1</sup>                                                          | 10 <sup>1, 2</sup> | 20 <sup>2</sup> |
| Non-residential corner lot                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 20 | 25 | As specified by Public Works design manual <sup>1, 2</sup> | 30, unless otherwise specified by Public Works design manual <sup>2</sup> | 10 <sup>1, 2</sup> | 20 <sup>2</sup> |
| <p>Additional requirements:</p> <p>(a) A twenty-five (25) foot setback from the 100-year floodplain is required for all structures.</p> <p>(b) Accessory structures shall have a minimum front setback of ten feet (10') from the primary structure. Side and rear setbacks shall be the same as for primary structures.</p> <p><sup>1</sup> A thirty-five (35) foot minimum side and rear setback is required from adjacent properties with existing residential use not located within the Neighborhood center overlay district. The setback is required on any side abutting an existing residential use not located within the overlay district, where the use was in existence prior to adoption of this district.</p> <p><sup>2</sup> Additional setback may be required to accommodate fire lanes, easements, or other uses. The minimum and maximum setback requirements shall not supersede other safety or public health requirements of the Kennedale City Code that may require larger side or rear setbacks.</p> |    |    |                                                            |                                                                           |                    |                 |

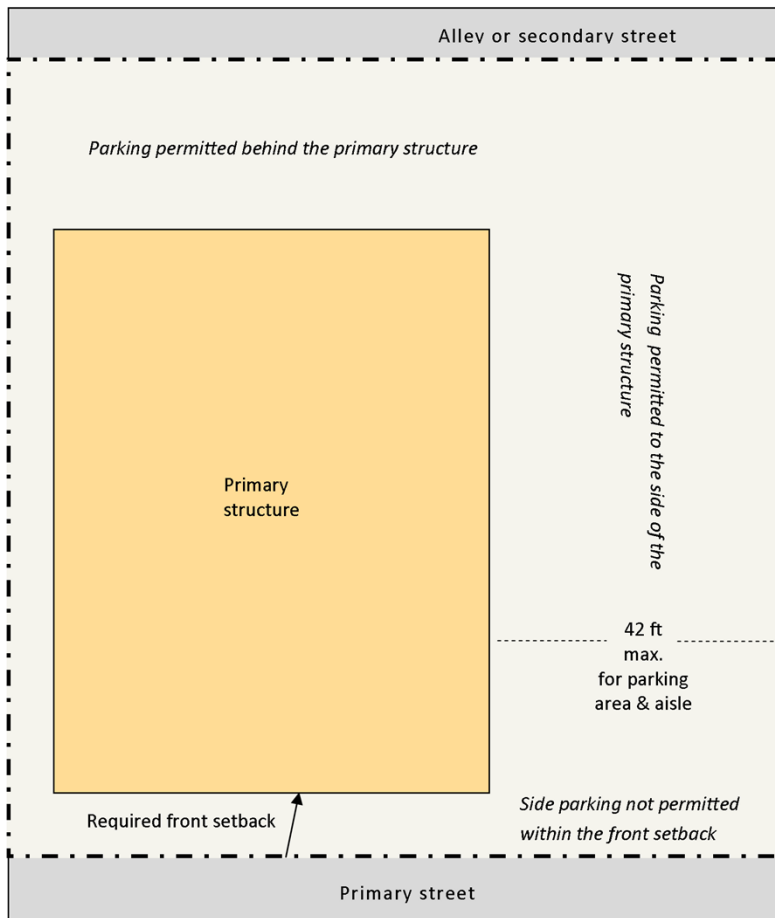
(g) *Parking regulations.*

(1) All off-street parking created after September 21, 2015 shall be located behind the main structure or to the side of the main structure. No off-street parking shall be permitted in front of the primary structure.

(2) If off-street parking is constructed to the side of the primary structure, no more than forty-two (42) feet of the lot frontage (lot width) shall be used for off-street parking (residential or non-residential use), or the minimum width required for one row of standard parking (as required by the Public Works Design Manual) and the minimum width fire lane/drive aisle to meet fire code, whichever is greater. No part of the side parking area shall be within the required front setback.

(a) The Zoning Administrator is authorized to permit up to an additional ten (10) feet of the lot frontage to be used for off-street parking when requested, in writing, to permit construction of parking for irregular-shaped parcels where the shape of the parcel prohibits the construction of sufficient parking behind the main structure to meet the minimum parking requirements. However, the Zoning Administrator shall not permit additional lot width to be used for parking if the addition would result in more than fifty (50) percent of the lot width to be used for parking.

- (b) For parking located entirely behind the primary structure, there is no limit on the amount of lot width that may be used for parking except as regulated by sub-section (o)(3).



(3) *Parking minimums and maximums.*

- (a) Minimum. For each permissible use in a Neighborhood center overlay district, all off-street parking shall be regulated in accordance with the regulations of section 17-424 of this article.
- (b) Maximum. No more than fifty percent (50%) more than the minimum number of required parking spaces per use shall be permitted.
- (4) Where off-street parking areas for non-residential uses are located adjacent to a property with a residential primary use in existence before this overlay district was adopted, the off-street parking areas shall be screened in accordance with Sec. 17-425, except that breaks in the screening structure shall be provided, as needed, to accommodate pedestrian and cyclist connections across properties (if provided). Screening shall be maintained in good condition at all times. A screening wall may be wide enough to accommodate both pedestrians and cyclists but shall be restricted from automobile access.

(5) *Shared parking.* Shared parking is permitted if a shared parking agreement has been signed and notarized by all users/parties who intend to share parking. The shared parking plan will be subject to review and approval of the Administrator, and the parking agreement must be filed with the Tarrant County Clerk. A reduction of up to twenty percent (20%) of the required parking may be permitted. Parking may be shared by different uses on a shared or adjacent site, but the parking facility must be located within six hundred (600) feet of the primary structure for each use. The Administrator is not required to approve a reduction in the required number of parking spaces.

(6) *Compact car parking.* Up to fifteen percent (15%) of the required parking may be designed and sized for compact vehicles.

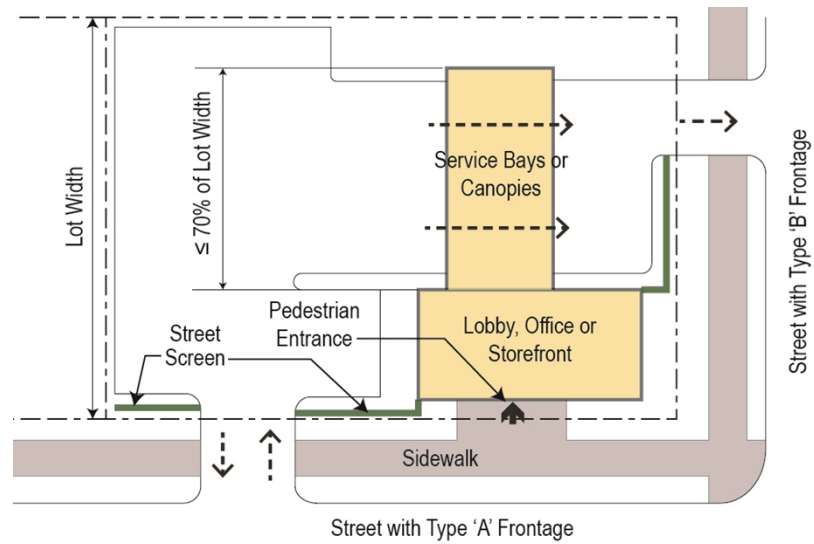
(7) *Bicycle parking.* Bicycle parking shall be provided for every non-residential use.

- (a) *Parking amount.* Bicycle parking shall be provided at a minimum amount of 5% of the number of spaces provided for car parking.
- (b) *Design of bicycle parking spaces.* For each required bicycle parking space, a stationary object shall be provided to which a user can secure a bicycle with at least two points of contact with a 6-foot cable and lock. The stationary object shall be either a freestanding bicycle rack or a wall-mounted bracket. Freestanding bicycle racks shall be inverted “U,” post and ring, or some other form of bicycle rack providing at least two points of contact. Grid/fence-type racks and wave/ribbon-type bicycle racks are prohibited. Objects for securing bicycles must be dedicated for that purpose and may not be primarily for any other purpose (e.g., signage, traffic safety).
- (c) *Location of bicycle parking.* The bicycle rack shall be located within 60 feet of the main entrance of the building it serves, and may be located between the street curb and the building, subject to the approval of the Development Services Director. Each bicycle parking area shall be separated from motor vehicle parking and maneuvering areas by a barrier, post, or bollard or by at least five (5) feet of open space.
- (d) *Shared bicycle parking.* Up to two (2) bicycle parking spaces may be shared by different uses on a shared or adjacent site, but the parking facility must be located within six hundred (600) feet of the primary entry for the primary structure for each use.

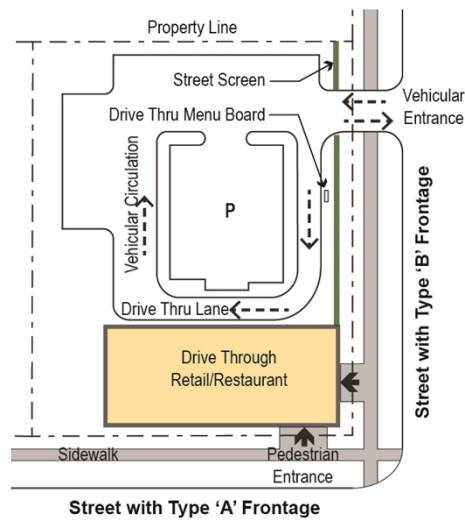
(h) *Outside storage regulations.* All outside storage, when permitted by the regulations of both the underlying zoning district and the overlay district, shall be regulated in accordance with section 4-226 of the City Code and any other applicable codes and regulations.

- (i) *Screening regulations.*
  - (1) *Screening for single family residential uses.* Screening shall be in accordance with Sec. 17-425.
  - (2) *Screening for all other uses.* Screening shall be in accordance with Sec. 17-425 except where otherwise regulated below.
    - (a) Garbage, refuse and trash collection/storage areas shall be screened by a masonry enclosure on three (3) sides. Screening walls and fences shall not be greater than eight (8) feet in height. Materials being stored shall not be stored higher than one (1) foot below the screening provided.
    - (b) The fourth side shall be screened by a gate. The gate shall be made of wrought iron or architectural metal.
    - (c) The masonry used must be of the same material as the primary building.
    - (d) Trash collection/storage areas or dumpsters shall be located behind the primary structure but shall not be placed within 35 feet of a residential use existing prior to the construction of a building intended for commercial use.
- (j) *Reserved.*
- (k) *Sign regulations.* The sign regulations set forth in chapter 17, article VII, "Signs," of this Code shall apply to all uses located in the Neighborhood Center Overlay districts except where otherwise regulated.
- (l) *Loading dock regulations for new construction.* For each permissible use in an overlay district, all off-street parking shall be regulated in accordance with the regulations of section 17-424 of the Kennedale City Code.
- (m) *Blank wall limitation.*
  - (1) Blank walls longer than forty (40) feet are prohibited for all uses (residential and non-residential).
  - (2) For purposes of this district, "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 (4) feet in height from ground level and longer than forty (40) 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.
- (n) *Glazing requirements.*

- (1) For any primary structure, a minimum of twenty percent (20%) and a maximum of sixty percent (60%) of the primary façade shall have glazing. At least one other façade shall have a minimum of ten percent (10%) glazing.
  - (2) For non-residential uses, ground floor glazing on the primary facade shall have a maximum sill height of four (4) feet.
- (o) *Building orientation and disposition and site layout.*
- (1) Each primary structure shall have its primary entrance oriented to a primary street unless no access to a primary street is available. Additional entry points may be provided on side or rear façades, but primary entries shall be oriented to the primary street. For corner lots, the primary entrance may be oriented toward the street intersection (corner).
  - (2) Where permitted under Section 17-421 of the Kennedale City Code, drive-through lanes, auto service bays, and gas station canopies for commercial uses shall not be located with frontage along any primary street. Drive-through lanes, auto service bays, and gas station canopies shall be hidden behind a 3' high street screen along all other frontages (see illustration below). The street screen shall be made up of (i) a living screen or (iii) a combination living and primary building material screen (see Sections 17-425 of the Kennedale City Code and sub-section (i) of this ordinance for details).
  - (3) No more than 70% of a lot's frontage along a non-primary street may be dedicated to drive-through lanes, canopies, service bays, and other auto-related site elements. There shall be no such limitation along alleys and internal block frontages
  - (4) All off-street loading, unloading, and trash pick-up areas shall be located internal to the site, along alleys, or along non-primary streets only. If a site has no frontage on a non-primary street or alley access, off-street loading, unloading, and trash pick-up areas may be permitted along the side of a building or along a primary street.
  - (5) All off-street loading, unloading, or trash pick-up areas along any street frontage shall be screened as required by this section.



*Illustration: Image illustrating the appropriate design of auto-related site elements (Gas stations, auto-service uses, and bank drive-throughs)*



*Illustration of the appropriate design of retail/restaurant drive-throughs (Corner Lot)*

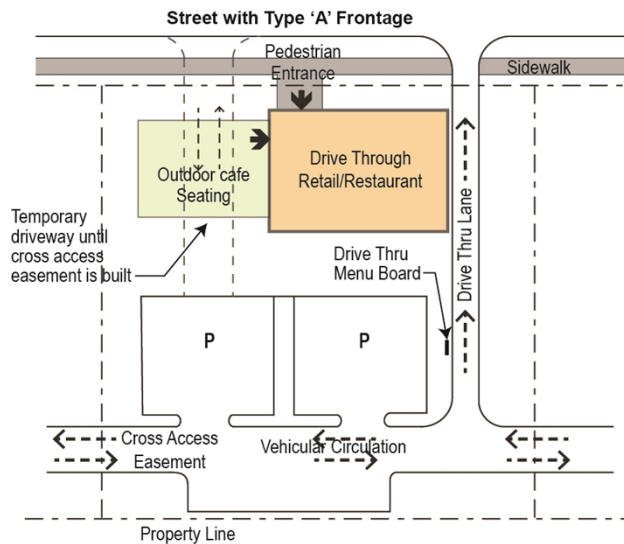


Illustration of the appropriate design of retail/restaurant drive-throughs (Interior Lot)

(p) *Sidewalks.* Notwithstanding the requirements of Sec. 17-243, sidewalks within this district shall be a minimum of five feet (5') and a maximum of eight feet (8') in width.

(q) *Prohibited uses.* Notwithstanding the underlying zoning district, the following uses are prohibited within this district, except that any use hereby prohibited within this district that is already in existence as a legal use at the time this district is adopted shall be considered a legal use as permitted by and in accordance with Sec. 17-428.

- (1) Auto Inspection Station
- (2) Auto Paint & Body Shop
- (3) Auto Parts Store
- (4) Auto Repair Garage
- (5) Auto Sales Lot
- (6) Boat Sales
- (7) Boat Storage
- (8) Building materials establishment with outside storage
- (9) Cabinet Shop
- (10) Car Wash
- (11) Contractor Yard
- (12) Farm Implement Sales
- (13) Golf Course
- (14) Gun Shooting Range
- (15) Gunsmith Shop
- (16) Heavy Equipment Sales
- (17) Large Retail Facility
- (18) Lumber Yard

- (19) Manufacture Homes Sales Lot
- (20) Mini-Warehouse
- (21) Movie Theater, drive-in
- (22) Nightclub or Dance Hall
- (23) Paintball Sports, Survival Games
- (24) Parking Lot, Commercial (for a fee)
- (25) Pawnshop
- (26) Private Club
- (27) Recreational Vehicle Sales
- (28) Restaurant, Drive-In
- (29) Service Station
- (30) Sexually Oriented Business
- (31) Taxidermist
- (32) Tool & equipment rental
- (33) Trailer sales & rental
- (34) Truck rental
- (35) Truck repair
- (36) Truck sales
- (37) Truck wash
- (38) Vehicular racing facility

(r) *Uses by special exception.* When the following uses are permitted within the underlying zoning district, they are permitted within this district only by special exception. Any use prohibited within the underlying zoning district is also prohibited within this district.

- (1) Auto Rental
- (2) Auto Sales (indoor display only; no outside storage or display and no repairs permitted; all vehicles for sale, storage, or display must be stored inside an enclosed structure meeting the standards of the overlay district, the underlying zoning district, and all other applicable codes and regulations)
- (3) Bowling Alley
- (4) Motorcycle Sales (indoor display only; no outside storage or display and no repairs permitted; all motorcycles for sale, storage, or display must be stored inside an enclosed structure meeting the standards of the overlay district, the underlying zoning district, and all other applicable codes and regulations)
- (5) Plant Nursery

## **SECTION 2.**

Article VI, "Zoning", of Chapter 17, "Planning and Land Development", of the Code of Ordinances of the City of Kennedale is hereby amended by adding a new section, Section 17-420.2, "Urban Village Overlay District" to read as follows:

- (a) *Location of overlay district.* In addition to any other applicable regulations, the standards contained in this section shall govern the development of land and structures in areas identified in the comprehensive land use plan identified as Urban Village.
- (b) *Purpose.* The purpose of the Urban village overlay district is to act as gateways into the “core” of Kennedale. These areas should include a dense mix of residences and businesses in a walkable environment. They are similar to Neighborhood Villages, yet larger and of a higher intensity. While Urban Villages should promote pedestrian circulation and access from nearby neighborhoods and areas, it can be expected that a significant number of visitors will access the urban village by car. A “park once and walk everywhere” approach should be taken during the design phase of urban villages to enable convenient and pleasant walking.
- (c) *Applicability in event of conflict.* This section is to be superimposed in addition to the regulations applicable to any approved underlying (or base) district. The existence or use of any building or land in an overlay district shall be subject to the time limitations and amortization provisions set forth in this section and in sections 17-428 and 17-430. To the extent of any conflict between this section and any other provision in any city ordinance, the more strict provision shall prevail.
- (d) *Permitted underlying (or base) district.* Prior to the use of any land or building in the overlay district, a permitted underlying (or base) zoning district shall be approved in accordance with section 17-429 of the Kennedale City Code in addition to the overlay district. Permitted underlying zoning districts in the Urban Village Overlay district are “AG” Agricultural, “R-1” Single Family Residential, “R-2” Single Family Residential, “R-3” Single Family Residential, “C-0” Retail Commercial, “C-1” Restricted Commercial, “C-2” General Commercial.
- (e) *Definitions.* For purposes of this section, certain terms herein are defined as follows:

*Frontage* shall have the meaning established in Section 17-310 of the Kennedale City Code.

*Frontage street* means the street from which a primary building’s front setback is measured. This is usually also the street on which a building is addressed.

*Primary building* shall have the meaning established in Section 17-310 of the Kennedale City Code.

*Primary entrance* means the main point of access for a building. If the main point of access for employees is different than the main point of access for visitors, the primary entrance shall be the main point of access for pedestrians into a building.

*Primary street* means a street designed to higher standards for pedestrian-oriented design and access, ensuring that the relationship between buildings, the pedestrian realm and the street enforce the desired character for the district. These streets shall have few, if any, gaps in the “street wall” and limit the frontage of off-street parking and service functions. For purposes of this section, Kennedale Sublett Rd, Little School Rd, New Hope Rd, and Dick Price Rd are considered primary streets. These streets are typically located on the perimeter of a Neighborhood Village; new streets on the interior of a Neighborhood Village may also be designated as primary streets. Perimeter streets designated as primary streets under this section be reclassified as secondary streets under the following conditions.

- (a) No new development under this code, which would create a street wall along a primary perimeter street, has already occurred or been permitted;
- (b) New primary structures built on property having access to the new interior primary street will be oriented to the new street and will be subject to the regulations for primary structures along primary streets.

*Screening wall break* means a gap provided in a screening wall to allow passage of pedestrians, bicyclists, and other non-vehicle traffic.

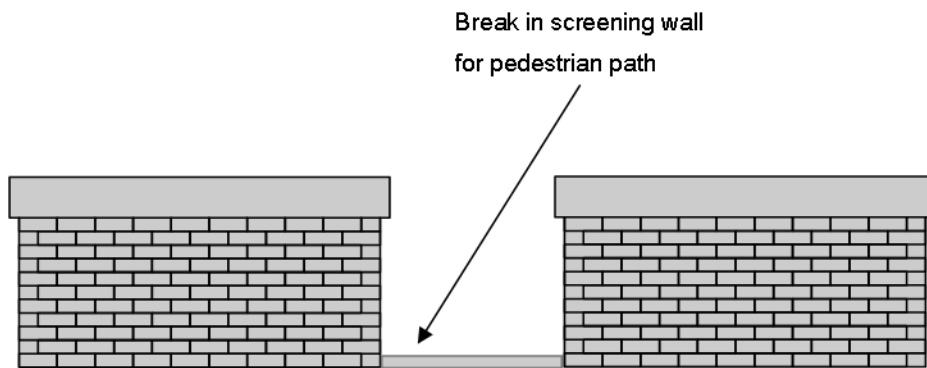


Illustration of break in screening wall.

- (f) *Building setback regulations.* Setbacks for the Urban Village Overlay district shall be as set forth in the following table. Conforming residential uses in existence or permitted for construction on or before September 21, 2015 shall be considered conforming in terms of setbacks after this ordinance is adopted.

|                            | Front (in feet) |         | Side (in feet)                                             |                                                                           | Rear (in feet)     |                    |
|----------------------------|-----------------|---------|------------------------------------------------------------|---------------------------------------------------------------------------|--------------------|--------------------|
|                            | Minimum         | Maximum | Minimum                                                    | Maximum                                                                   | Minimum            | Maximum            |
| Residential                | 10              | 25      | 10                                                         | 20                                                                        | 15 <sup>1</sup>    | n/a                |
| Residential corner lot     | 20              | 30      | 10, or as specified by Public Works design manual          | 40                                                                        | 15 <sup>1</sup>    | n/a                |
| Non-residential            | 10              | 20      | 10 <sup>1</sup>                                            | n/a <sup>1</sup>                                                          | 10 <sup>1, 2</sup> | 20 <sup>2</sup>    |
| Non-residential corner lot | 15              | 25      | As specified by Public Works design manual <sup>1, 2</sup> | 45, unless otherwise specified by Public Works design manual <sup>2</sup> | 10 <sup>1, 2</sup> | 20 <sup>1, 2</sup> |

**Additional requirements:**

- (a) A twenty-five (25) foot setback from the 100-year floodplain is required for all structures.
- (b) Accessory structures shall have a minimum front setback of ten feet (10') from the primary structure. Side and rear setbacks shall be the same as for primary structures.

<sup>1</sup> A thirty-five (35) foot minimum side and rear setback is required from adjacent properties with existing residential use not located within the Urban Village overlay district. The setback is required on any side abutting an existing residential use not located within the overlay district, where the use was in existence prior to adoption of this district.

<sup>2</sup> Additional setback may be required to accommodate fire lanes, easements, or other uses. The minimum and maximum setback requirements shall not supersede other safety or public health requirements of the Kennedale City Code that may require larger side or rear setbacks.

**(g) *Parking regulations.***

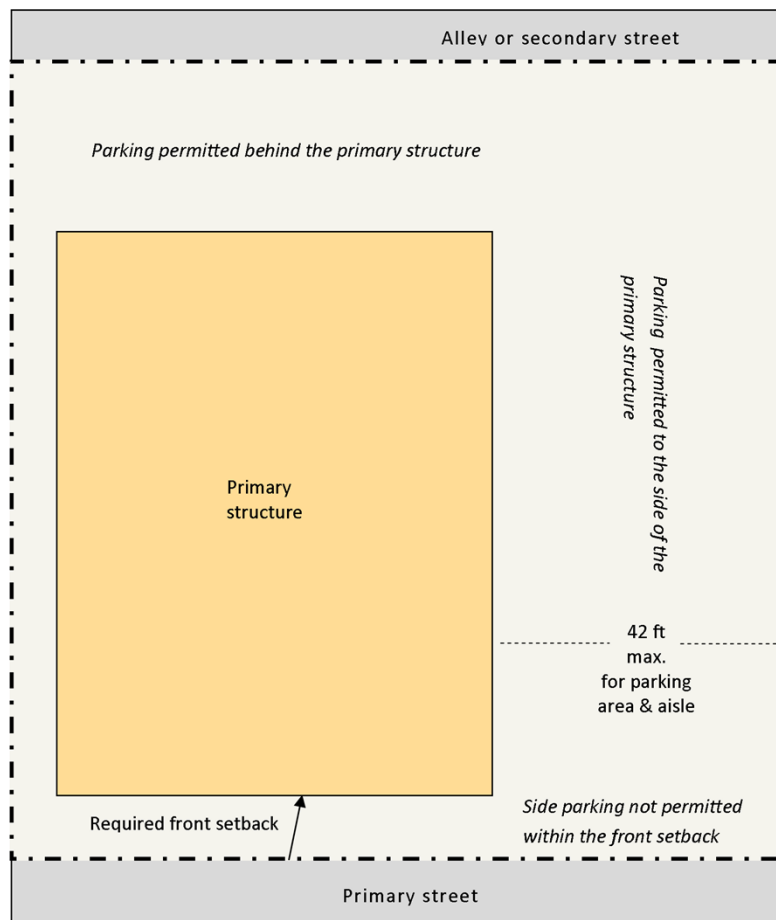
(1) All off-street parking created after the date September 21, 2015 shall be located behind the main structure or to the side of the main structure. No off-street parking shall be permitted in front of the primary structure.

**(2) *Parking located to the side of a primary structure.***

(a) *Non-residential uses.* If off-street parking is constructed to the side of the primary structure, no more than forty-two (42) feet of the lot frontage (lot width) shall be used for off-street parking for non-residential uses, or the minimum width required for one row of standard parking (as required by the Public Works Design Manual) and the minimum width fire lane/drive aisle to meet fire

code, whichever is greater. No part of the side parking area shall be within the required front setback.

- i) The Zoning Administrator is authorized to permit up to an additional ten (10) feet of the lot frontage to be used for off-street parking when requested, in writing, to permit construction of parking for irregular-shaped parcels where the shape of the parcel prohibits the construction of sufficient parking behind the main structure to meet the minimum parking requirements. However, the Zoning Administrator shall not permit additional lot width to be used for parking if the addition would result in more than fifty (50)% of the lot width to be used for parking.
- ii) For parking located entirely behind the primary structure, there is no limit on the amount of lot width that may be used for parking.



(b) *Residential uses.* If off-street parking is constructed to the side of the primary structure, and no more than forty (40%) of the frontage of the lot shall be used for off-street parking. Off-street parking requirements shall be in accordance with the parking schedule found in section 17-421 hereof. Parking

spaces for at least two (2) motor vehicles shall be provided in an enclosed garage for any single family dwelling constructed after the date of adoption of this section. A front entry garage is prohibited unless the vehicle entryway is screened from view from the front public right-of-way by the dwelling or other structure. For the purposes of this section, a porte-cochere shall constitute sufficient screening of a front entry garage provided the vehicle entryway of the garage is located no less than eighty (80) feet from the front property line. Regardless of the orientation of the garage required by this section, any gate or door to a porte-cochere must be of wrought iron construction and must not screen more than twenty-five (25) percent of its entryway.

(3) *Parking minimums and maximums.*

(a) Minimum. For each permissible use in a Neighborhood center overlay district, all off-street parking shall be regulated in accordance with the regulations of section 17-424 of this article.

(b) Maximum. No more than fifty percent (50%) more than the minimum number of required parking spaces per use shall be permitted.

(c) The area used for off-street parking may not exceed fifty percent (50%) of the total lot area. Travel lanes serving the parking lot will count as part of the lot area used for parking spaces; travel lanes function primarily as drive lanes rather than parking lanes, however, will not count toward the lot area used for parking spaces.

(4) Where off-street parking areas for non-residential uses are located adjacent to a property with a residential primary use in existence before this overlay district was adopted, the off-street parking areas shall be screened in accordance with Sec. 17-425, except that breaks in the screening structure in accordance with Section 17-420.1(4) shall be provided, as needed, to accommodate pedestrian and cyclist connections across properties (if provided). Screening shall be maintained in good condition at all times.

(5) *Shared parking.* Shared parking is permitted if a shared parking agreement has been signed and notarized by all users/parties who intend to share parking. The shared parking plan will be subject to review and approval of the Administrator, and the parking agreement must be filed with the Tarrant County Clerk. A reduction of up to twenty percent (20%) of the required parking may be permitted. Parking may be shared by different uses on a shared or adjacent site, but the parking facility must be located within six hundred (600) feet of the primary structure for each use. The Administrator is not required to approve a reduction in the required number of parking spaces.

(6) *Compact car parking.* Up to fifteen percent (15%) of the required parking may be designed and sized for compact vehicles.

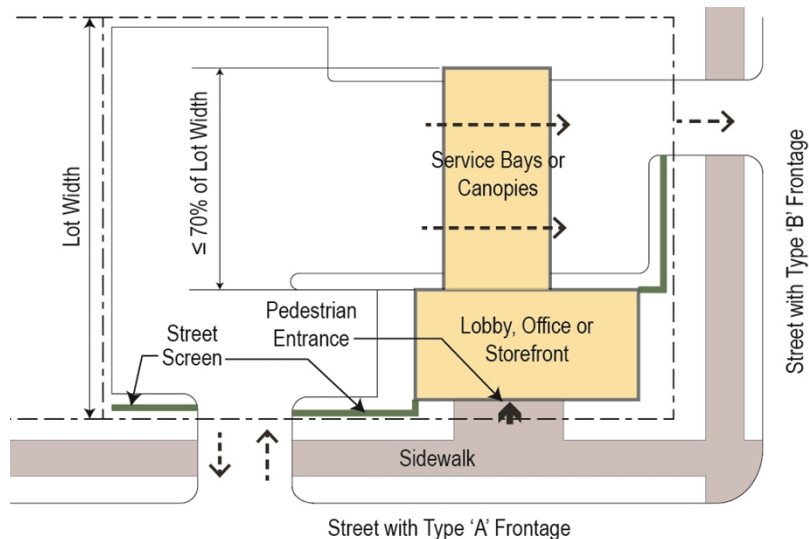
(7) *Bicycle parking.* Bicycle parking shall be provided for every non-residential use.

- a) *Parking amount.* Bicycle parking shall be provided at a minimum amount of 5% of the number of spaces provided for car parking.
  - b) *Design of bicycle parking spaces.* For each required bicycle parking space, a stationary object shall be provided to which a user can secure a bicycle with at least two points of contact with a 6-foot cable and lock. The stationary object shall be either a freestanding bicycle rack or a wall-mounted bracket. Freestanding bicycle racks shall be inverted “U,” post and ring, or some other form of bicycle rack providing at least two points of contact. Grid/fence-type racks and wave/ribbon-type bicycle racks are prohibited. Objects for securing bicycles must be dedicated for that purpose and may not be primarily for any other purpose (e.g., signage, traffic safety).
  - iii) *Location of bicycle parking.* The bicycle rack shall be located within 60 feet of the main entrance of the building it serves, and may be located between the street curb and the building, subject to the approval of the Development Services Director. Each bicycle parking area shall be separated from motor vehicle parking and maneuvering areas by a barrier, post, or bollard or by at least five (5) feet of open space.
  - iv) *Shared bicycle parking.* Up to two (2) bicycle parking spaces may be shared by different uses on a shared or adjacent site, but the parking facility must be located within six hundred (600) feet of the primary entry for the primary structure for each use.
- h) *Outside storage regulations.* All outside storage, when permitted by the regulations of both the underlying zoning district and the overlay district, shall be regulated in accordance with section 4-226 of the City Code and any other applicable codes and regulations.
- i) *Screening regulations.*
- (1) *Screening for single family residential uses.* Screening shall be in accordance with Sec. 17-425.
  - (2) *Screening for all other uses.* Screening shall be in accordance with Sec. 17-425 except where otherwise regulated below.
    - (a) Garbage, refuse and trash collection/storage areas shall be screened by a masonry enclosure on three (3) sides. Screening walls and fences shall not be greater than eight (8) feet in height. Materials being stored shall not be stored higher than one (1) foot below the screening provided.
    - (b) The fourth side shall be screened by a gate. The gate shall be made of wrought iron or architectural metal.
    - (c) The masonry used must be of the same material as the primary building.

- (d) Trash collection/storage areas or dumpsters shall be located behind the primary structure but shall not be placed within 35 feet of a residential use existing prior to the construction of a building intended for commercial use.
- (j) *Reserved.*
- (k) *Sign regulations.* The sign regulations set forth in chapter 17, article VII, "Signs," of this Code shall apply to all uses located in the Urban Village Overlay districts except where otherwise regulated.
- (l) *Loading dock regulations for new construction.* For each permissible use in an overlay district, all off-street parking shall be regulated in accordance with the regulations of section 17-424 of this article.
- (m) *Blank wall limitation.*
  - (1) Blank walls longer than forty (40) feet are prohibited for all uses (residential and non-residential).
  - (2) For purposes of this district, "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 (4) feet in height from ground level and longer than forty (40) 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.
- (n) *Glazing requirements.*
  - (1) For any primary structure, a minimum of twenty percent (20%) and a maximum of sixty percent (60%) of the primary façade shall have glazing. At least one other façade shall have a minimum of twenty percent (20%) glazing.
  - (2) For non-residential uses, ground floor glazing on the primary facade shall have a maximum sill height of four (4) feet.
- (o) *Building orientation and disposition.* Each primary structure shall have its primary entrance oriented to the front of the lot (toward the street right-of-way) on which it is located. Additional entry points may be provided on side or rear façades, but primary entries shall be oriented to the front of the lot. For corner lots, the primary entrance may be oriented toward the street intersection (corner).
  - (1) Each primary structure shall have its primary entrance oriented to a primary street. Additional entry points may be provided on side or rear façades, but primary entries shall be oriented to the primary street. For corner lots, the primary entrance may be oriented toward the street intersection (corner).
  - (2) Where permitted under Section 17-421 of the Kennedale City Code, drive-through lanes, auto service bays, and gas station canopies for commercial uses shall not be located with frontage along any primary street. Drive-through lanes, auto service bays, and gas station canopies shall be hidden behind a 3' high street screen along all other frontages (see illustration below). The street screen

shall be made up of (i) a living screen or (iii) a combination living and primary building material screen (see Section 17-425 of the Kennedale City Code and sub-section (i) of this ordinance for details).

- (3) No more than 70% of a lot's frontage along a non-primary street may be dedicated to drive-through lanes, canopies, service bays, and other auto-related site elements. There shall be no such limitation along alleys and internal block frontages.
- (4) All off-street loading, unloading, and trash pick-up areas shall be located internal to the site, along alleys, or along non-primary streets only. If a site has no frontage on a non-primary street or alley access, off-street loading, unloading, and trash pick-up areas may be permitted along the side of a building or along a primary street.
- (5) All off-street loading, unloading, or trash pick-up areas along any street frontage shall be screened as required by this section.



*Illustration: Image illustrating the appropriate design of auto-related site elements*

*(Gas stations, auto-service uses, and bank drive-throughs)*

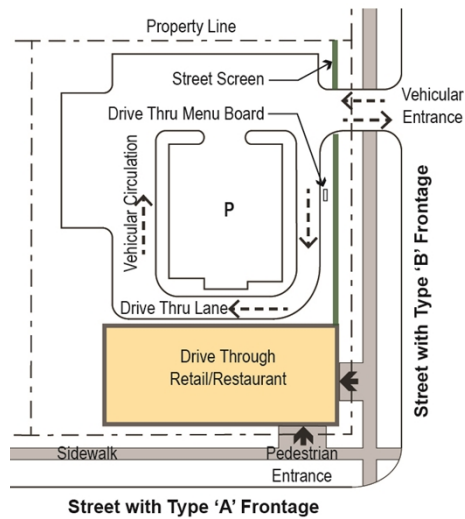


Illustration of the appropriate design of retail/restaurant drive-throughs (Corner Lot)

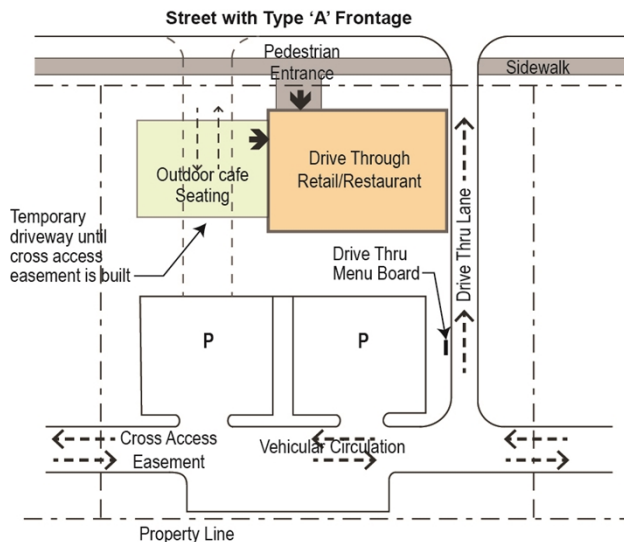


Illustration of the appropriate design of retail/restaurant drive-throughs (Interior Lot)

(p) **Sidewalks.** Notwithstanding the requirements of Sec. 17-243, sidewalks within this district shall be a minimum of five feet (5') and a maximum of eight feet (8') in width.

(q) **Prohibited uses.** Notwithstanding the underlying zoning district, the following uses are prohibited within the Urban Village Overlay district, except that any use hereby prohibited within this district that is already in existence as a legal use at the time this district is adopted shall be considered a legal use as permitted by and in accordance with Sec. 17-428.

- (1) Auto Inspection Station
- (2) Auto Paint & Body Shop

- (3) Auto Parts Store
- (4) Auto Repair Garage
- (5) Auto Sales Lot
- (6) Boat Sales
- (7) Boat Storage
- (8) Building materials establishment with outside storage
- (9) Cabinet Shop
- (10) Car Wash
- (11) Contractor Yard
- (12) Farm Implement Sales
- (13) Golf Course
- (14) Gun Shooting Range
- (15) Gunsmith Shop
- (16) Heavy Equipment Sales
- (17) Lumber Yard
- (18) Manufacture Homes Sales Lot
- (19) Mini-Warehouse
- (20) Movie Theater, drive-in
- (21) Nightclub or Dance Hall
- (22) Paintball Sports, Survival Games
- (23) Parking Lot, Commercial (for a fee)
- (24) Pawnshop
- (25) Private Club
- (26) Recreational Vehicle Sales
- (27) Restaurant, Drive-In
- (28) Service Station
- (29) Sexually Oriented Business
- (30) Taxidermist
- (31) Tool & equipment rental
- (32) Trailer sales & rental
- (33) Truck rental
- (34) Truck repair
- (35) Truck sales
- (36) Truck wash
- (37) Vehicular racing facility

(r) *Uses by special exception.* When the following uses are permitted within the underlying zoning district, they are permitted within this district only by special exception. Any use prohibited within the underlying zoning district is also prohibited within this district.

- (1) Auto Rental
- (2) Auto Repair
- (3) Auto Paint & Body Shop
- (4) Auto Sales (indoor display only; no outside storage or display and no repairs permitted; all vehicles for sale, storage, or display must be stored inside an enclosed structure meeting the standards of the overlay district, the underlying zoning district, and all other applicable codes and regulations)
- (5) Bowling Alley
- (6) Motorcycle Sales (indoor display only; no outside storage or display and no repairs permitted; all motorcycles for sale, storage, or display must be stored inside an enclosed structure meeting the standards of the overlay district, the underlying zoning district, and all other applicable codes and regulations)
- (7) Plant Nursery with outside sales, storage, or display

(r) *Uses by conditional use permit.* When the following uses are permitted within the underlying zoning district, they are permitted within this district by conditional use permit. Any use prohibited within the underlying zoning district is also prohibited within this district.

- (a) Large Retail Facility.

### **SECTION 3.**

Article VI, "Zoning", of Chapter 17, "Planning and Land Development", of the Code of Ordinances of the City of Kennedale is hereby amended by renaming Section 17-420, "Overlay Districts" to read as follows:

Sec. 17-420. – Business 287 Overlay and Interstate 20/Loop 820 Overlay districts.

### **SECTION 4.**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

### **SECTION 5.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clause, and phrases of this Ordinance, since the same would have been

enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause, or phrase.

**SECTION 6.**

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 7.**

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 8.**

The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption, Section 1, the penalty clause, the publication clause, and the effective date clause of this ordinance as provided by Section 3.10 of the Charter of the City of Kennedale.

**SECTION 9.**

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 21<sup>st</sup> DAY OF SEPTEMBER 2015.**

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

EFFECTIVE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

*DRAFT: subject to change pending review by city attorney and city council*

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CITY ATTORNEY



## STAFF REPORT TO THE BOARD OF DIRECTORS

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**Date:** September 17, 2015

**Agenda Item No:** MINUTES APPROVAL - A.

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**I. Subject:**

Consider approval of minutes from August 20, 2015 Planning and Zoning Commission meeting

**II. Originated by:**

Rachel Roberts, City Planner  
Katherine Rountree, Permits Clerk

**III. Summary:**

Consider approval of minutes from August 20, 2015 Planning and Zoning Commission meeting

**IV. Notification:**

**V. Fiscal Impact Summary:**

**VI. Legal Impact:**

**VII. Recommendation:**

Approve

**VIII. Alternative Actions:**

**IX. Attachments:**

|    |                       |                            |
|----|-----------------------|----------------------------|
| 1. | 08.20.2015 PZ Minutes | 8.20.2015 - PZ Minutes.doc |
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**KENNEDALE PLANNING & ZONING COMMISSION**  
**AGENDA**  
**COMMISSIONERS - REGULAR MEETING**  
**August 20, 2015**  
**CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

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

A quorum was present. Mr. Gilley was asked to serve as a regular member for this meeting.

Staff present: Rachel Roberts (planning director); engineering consultant Mike Bennett from Shield Engineering.

**III. WORK SESSION**

**A. Discuss any item on the regular session agenda**

Ms. Roberts summarized the status of the plat review, concluding that a few issues were left to address but most issues have been resolved, and staff believed the issues could be addressed before the plat was considered by City Council. Mr. Bennett described what those issues were. He said their review was preliminary and that most of the issues appeared to be addressed, but there were still a few issued to resolve and their review still needed to be completed. Mr. Bennett handed the Commissioners a letter listing the remaining issues.

The Commission asked Mr. Bennett about the items he mentioned needed resolution, in particular the coordination with the gas pipeline company and the drainage calculation review.

**B. Discuss regulations for updating the Employment Center District code**

Ms. Roberts gave an update on this item.

**C. Discuss status of overlay ordinances for Urban Village and Neighborhood Village character districts**

Ms. Roberts gave an update on this item.

Work session closed at 7:01 P.M.

**IV. REGULAR SESSION**

**V. CALL TO ORDER**

Chairman Harvey called the meeting to order at 7:01 P.M.

**VI. ROLL CALL**

| Commissioner       | Present          | Absent |
|--------------------|------------------|--------|
| Ernest Harvey      | x                |        |
| Tom Pirtle         | x                |        |
| Stephen Brim       | x                |        |
| Harry Browne       |                  | x      |
| Don Rawe           | x                |        |
| Jeff Whitacre      | X (arrived late) |        |
| Carolyn Williamson | x                |        |
| <i>Alternates</i>  |                  |        |
| Billy Gilley       | x                |        |
| <i>vacant</i>      |                  |        |

A quorum was present. Mr. Gilley was asked to serve as a regular member for this meeting. Jeff Whitacre arrived at 7:03 P.M.

**VII. MINUTES APPROVAL**

A. Consider approval of minutes from 07.16.2015 Planning and Zoning Commission meeting

Mr. Pirtle made a motion to approve the minutes, seconded by Mr. Gilley. The motion passed with all in favor except Mr. Harvey, who abstained.

**VIII. VISITOR/CITIZENS FORUM**

Roy Boenig, 1020 Kennedale Sublett Rd, addressed the Commission. He spoke to the Commission about Phase 1 of The Vineyard subdivision. He said Dayton Macatee has been easy to work with and has done just about everything he asked them to do, adding that his property borders the subdivision. He doesn't think the detention ponds are going to work well. He said in May and June when it rained about 3 or 4 inches in one night, the pond was half full. This concerned him because Phase 2 hadn't been done, so that water from Phase 2 wasn't going into the pond yet.

**IX. REGULAR ITEMS**

**A. Case # PZ 15-07** consider action on a final plat requested by Alluvium Development for approximately 22.47 acres out of an approximately 45 acre parcel in the J M Lilly Survey A 980 and A 985, Kennedale, Tarrant County, located at 925 Mansfield Cardinal Rd, to create The Vineyard Phase 2 Blk 2 Lots 8-11, Blk 3 Lots 1-17, Blk 5 Lots 2-6, Blk 6 Lots 8-12, Blk 7 Lots 2-11, Blk 8 Lots 1-21.

## **1. Staff presentation**

Ms. Roberts gave the staff presentation. She said the plat was in compliance with the comprehensive plan. She said that in terms of the plat meeting city regulations, there are some issues to be worked out but that staff believes those could be worked out before the Council meeting. She said the Commission could recommend approval, recommend approval with conditions – for example, that all the issues be resolved prior to the Council meeting, otherwise the plat should be denied, or recommend denial.

Mr. Harvey asked Mr. Bennett to list the items that needed to be resolved for the record. He states the two major issues and then said there were a few minor information items that needed to be included in the plan set, as well.

## **2. Applicant presentation**

Terry Jobe of Alluvium Development addressed the Commission. He said he was there to answer the Commission's questions if they had any.

Mr. Harvey asked if they were in communication with the gas company, and Mr. Jobe said that he was assuming his engineer was working on it, but he can't definitely say that they are close.

Mr. Rawe asked about comments on the Visitor's Citizen's forum. Mr. Jobe said that there is a different between a retention pond and a detention pond. He said there is some validity to what he said, but the ponds are actually designed to hold water. He said it was still their goal to have the ponds aerated, but when he originally planned to have the aeration, he didn't realize they were dealing with a sandy situation. He said what he would like to do is dig the bottoms out several feet deep and seal with clay so that the ponds will hold water. He said the ponds function for drainage purposes just fine now.

Mr. Brim said the gas line easement is their big concern, since we have public right-of-way we want built over the gas line. Mr. Jobe indicated he hadn't had any problems working with the gas companies on pipelines in the past. Mr. Jobe said the biggest challenge will be crossing the pipeline with the future water line. Mr. Harvey said that concerned him, too.

## **3. Staff summary & recommendation**

Ms. Roberts said the staff believes the issues could be resolved prior to the City Council. [gas easement might be the only issue but could be addressed through City Developer agreement or withholding the filing of the plat until the issue is resolved]

Ms. Roberts recommended approval with conditions. Mr. Jobe said he had some additional information from his engineer, who said that in Phase 1, they got permission from the gas company, but they did not do it by letter. The pipeline company said to call when they are crossing the gas line, and it will send someone out. He said they could get it in letter form.

## **4. Action by the Planning & Zoning Commission**

The Commission discussed the problems with approving plats with conditions, in that they have to be sure to list all of the conditions, and then pushing the burden onto staff to make sure all the conditions have been met before the plat goes to Council.

Mr. Brim said it was highly likely the engineer has had a conversation with the pipeline company in the past, based on what is shown on the civil plans.

Mr. Brim recommended approval of Case PZ 15-07 with conditions, as stated in letter from engineers to the City dated August 20, 2015.

Mr. Pirtle seconded, and the motion passed with all in favor except Mr. Gilley and Mr. Harvey, both of whom abstained.

#### **X. REPORTS/ANNOUNCEMENTS**

Ms. Roberts said that the Youth AC movie night, Saturday, August 22<sup>nd</sup> in TownCenter Park

- Monday, August 24, 2014 Senior Center meet-and-greet at Burger Box, 2:00 PM – 4:00 PM
- Cemetery clean-up September 19<sup>th</sup> 9 AM – 11 AM

#### **XI. ADJOURNMENT**

Mr. Brim made a motion to adjourn, seconded by Mr. Pirtle. The motion passed with all in favor except Mr. Harvey, who abstained.

The meeting adjourned at 7:49 P.M.

DRAFT --- UNOFFICIAL --- NOT APPROVED