

KENNEDALE CITY COUNCIL AGENDA
REGULAR MEETING
November 16, 2015
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION at 5:30 PM
REGULAR SESSION at 7:00 PM

I. CALL TO ORDER

II. WORK SESSION

***NOTE: Pursuant to Section 551.071, Texas Government Code, the City Council reserves the right to adjourn into Executive Session at any time during the work session or the regular session to discuss posted executive session items or to seek legal advice from the City Attorney on any item posted on the agenda.**

A. Review Impact Fee parameters through a joint work session with Impact Fee Committee (P&Z)

B. Discuss the need to consider at a future meeting regarding an ordinance to regulate payday and auto title lenders

C. Discussion of items on regular agenda

III. REGULAR SESSION

IV. ROLL CALL

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State under God; One and Indivisible."

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

IX. REPORTS/ANNOUNCEMENTS

In addition to any specific matters listed below, the city council may receive a report about items of community interest, including but not limited to recognition of individual officials, citizens or departments, information regarding holiday schedules, upcoming or attended events, etc.

- A. Updates from City Council
- B. Updates from the Mayor
- C. Updates from the City Manager

X. MONITORING INFORMATION

- A. Executive Limitations
- B. Monthly Financials
- C. Ends Review
Balanced Scorecard

XI. INCIDENTAL ITEMS (CONSENT)

All matters listed under incidental items (consent) have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately.

- A. Consider approval of minutes from October 26, 2015 meeting
- B. Consider approval of an Interlocal Agreement with Tarrant County, Texas for the reconstruction of Village Street
- C. Consider authorizing the Mayor to sign an Interlocal Agreement with the Fort Worth Transportation Authority for Administrative Cost Funding for Section 5310 Program

XII. REQUIRED APPROVAL ITEMS

- A. Consider the casting of votes for the Board of Directors for the Tarrant Appraisal District

XIII. DECISION ITEMS

- A. City Council to consider making appointments to the TownCenter Development District, the Tax Increment Reinvestment Zone
- B. Consider approval of Ordinance 580 authorizing a No Parking Zone in the 1300 block of Kennedale Parkway.
- C. **CASE # PZ 15-11** Public hearing and consideration approval of Ordinance 581 regarding a request by Summit Custom Homes for a zoning change for 2.07 acres from "AG" Agricultural zoning

district to "R1" Single family residential zoning district at 1033 – 1041 Swiney Hiatt Rd and 1149 Swiney Hiatt, legal description of Oliver Acres block 1 lot 5 and ½ of lot 4 and lot 6D, Kennedale, recently replatted as Oliver Acres block 1 lots 4R1, 5R1, & 5R2, Tarrant County, Texas.

1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response
5. Staff response and summary
6. Action by the City Council

D. **CASE # PZ 15-09** to receive comments and consider approval of Ordinance 582 amending Chapter 17, Article VI, "Zoning", of the code of ordinances of the City of Kennedale, Texas, as amended, by establishing new zoning districts, "Neighborhood Village overlay district" and "Urban Village overlay district," and regulations for same, including regulations on permitted uses, building design, site design, landscaping, and signs.

1. Staff presentation
2. Public hearing
3. Staff response and summary
4. Action by the City Council

E. Direct city staff to initiate a rezoning of Joel Snider Survey A-1448 Tract 1A, an approximately 30-acre tract at 3925 Kennedale New Hope Rd

F. Consider approval of Ordinance 583 amending Chapter 19 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish cases for senior citizen fee exemption

G. Consider approval of Ordinance 584 amending Chapter 23 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish a method for starting water services and the procedures needed

H. Consider approval of Ordinance 585 amending Chapter 23 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish a billing period and calculate delinquencies

I. Consider approval of Ordinance 586 amending Chapter 23 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish a method for billing commercial accounts for stormwater

XIV. EXECUTIVE SESSION

A. The City Council will meet in closed session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property for the following:

1. 5401 High Ridge Road
2. 5400 and 5404 Kennedale Road
3. 6900 Block Kennedale Parkway
4. 300 and 304 New Hope Road

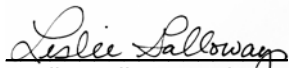
XV. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

XVI. 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 November 16, 2015, 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 "Leslie Galloway". The signature is written in dark ink and is positioned above the printed name of the signatory.

Leslie Galloway, City Secretary



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: WORK SESSION - A.

I. Subject:

Review Impact Fee parameters through a joint work session with Impact Fee Committee (P&Z)

II. Originated by:

III. Summary:

Freese and Nichols will provide a presentation covering Impact Fees in a joint work session with City Council and the Impact Fee Committee (P & Z).

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss the need to consider at a future meeting regarding an ordinance to regulate payday and auto title lenders

II. Originated by:

III. Summary:

This has been placed on the workshop agenda to determine the level of interest in adopting an ordinance regulating payday lenders.

The Texas Municipal League indicated that “in response to the state legislature’s failure to adopt any substantive statewide regulation of credit access businesses, a handful of cities have adopted ordinances aimed at ending the cycle of debt and helping borrowers to be successful in paying back their loans. As of the spring of 2013, the cities that adopted ordinances were Austin, Balcones Heights, Dallas, Denton, El Paso, and San Antonio. There are likely to be more at the time of this publication. All of these cities – except for Balcones Heights – have been sued by the credit access business industry, with the industry claiming that the cities are preempted from regulating credit access businesses since the legislature gave the OCCC some authority to regulate in 2011. (Balcones Heights has suspended enforcement of its ordinance pending the outcome of the San Antonio lawsuit.)

When payday and auto title lenders argued before the legislature for preemption of all city ordinances regulating credit access businesses, chief among their policy arguments was the notion that it would be too administratively difficult to keep track of the different “patchwork of regulation” that exists from city to city. This argument falls flat in two ways. First, only six out of roughly 1,200 Texas cities have adopted ordinances. Second, the ordinances adopted by these six cities are all but identical in how they regulate the lending practices of credit access businesses. Key features of all six ordinances include the following provisions:

- A credit access business must apply for and receive a certificate of registration from the city.
- A credit access business must maintain complete records of all loans made by the business for at least three years and make the records available to the city for inspection upon request.
- The amount of a payday loan may not exceed 20 percent of the consumer’s gross monthly income.
- The amount of an auto title loan may not exceed the lesser of three percent of the consumer’s gross annual income or 70 percent of the retail value of the motor vehicle.
- Any loan from a credit access business that provides for repayment in installments may not be payable in more than four installments, and the proceeds from each installment must be used to repay at least 25 percent of the principal amount of the loan. No renewals or refinancing of installment-payment loans are permitted.
- Any loan from a credit access business that provides for a single lump sum repayment may not be refinanced or renewed more than three times, and the proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the loan.
- Any loan made to a consumer within seven days of a previous loan has been paid by the consumer constitutes a refinancing or renewal.

Cities contemplating the adoption of an ordinance regulating the lending practices of credit access businesses should consider adopting substantially similar regulations to those adopted by the six cities mentioned above. If Texas cities that wish to regulate in this area continue to adopt essentially uniform ordinances, credit access businesses will not be able to use the argument that city ordinances vary from city-to-city if they seek preemption legislation in 2015.

City officials should be aware that adoption of any ordinance regulating credit access businesses will likely cause stakeholders representing the payday and auto title lending industry to file a lawsuit.

Each city should consult with local legal counsel prior to adopting any ordinance. That is particularly true in this instance”.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Sample Ordinance	Ordinance Example.pdf
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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF _____ SETTING FORTH
REGISTRATION REQUIRMENTS AND CREDIT EXTENSION GUIDELINES
FOR CREDIT ACCESS BUSINESSES AND PROVIDING A PENALTY.**

WHEREAS, certain credit access businesses engage in abusive and predatory lending practices, offering easy money to those members of our community who are in a tight spot with onerous terms and fees; and

WHEREAS, the practices of certain access businesses cause members of our community to become trapped in a cycle of short term, high interest loans resulting in large debt and huge payments; and

WHEREAS, the Pew Charitable Trusts, in their publication entitled *Payday Lending in America: Who Borrows, Where they Borrow, and Why*, (July 2012), wrote that “payday loans are sold as two-week credit products that provide fast cash, but borrowers are actually indebted for an average of five months per year.” The report further noted that “on average, a borrower takes out eight loans of \$375 each per year and spends \$520 on interest,” and

WHEREAS, the Pew Charitable Trusts, in their publication entitled *Payday Lending in America: Who Borrows, Where they Borrow, and Why*, (July 2012), also noted: “How much borrowers spend on loans depends heavily on the fees permitted by their state. The same \$500 storefront loan would generally cost about \$55 in Florida, \$75 in Nebraska, \$87.50 in Alabama, and \$100 in Texas, even if it were provided by the same national company in all those states. Previous research has found that lenders tend to charge the maximum permitted in a state;” and

WHEREAS, the Pew Charitable Trusts, in their publication entitled *Payday Lending in America: Who Borrows, Where they Borrow, and Why*, (July 2012), also stated that “the vast majority of borrowers use the loans on a long-term basis, not temporary one. Thus it seems that the payday loan industry is selling a product few people use as designed and that imposes debt that is consistently more costly and longer lasting than advertised;” and

WHEREAS, the Community Financial Services Association of America (CFSA), the national trade association for companies that offer small dollar, short-term loans or payday advances includes the following in the “Member Best Practices” as listed on its internet site (<http://cfsaa.com/cfsa-member-best-practices.aspx>): “Members shall not allow customers to rollover a payday advance (the extension of an outstanding advance by payment of only a fee) unless expressly authorized by state law, but in such cases where authorized will limit rollovers to four or the state limit, whichever is less.” The need for consumer understanding was also outlined on this website: “A contract between a member and the customer must fully outline the terms of the payday advance

transaction. Members agree to disclose the cost of the service fee both as a dollar amount and as an annual percentage rate ("APR");" and

WHEREAS, the Center for Responsible Lending, a non-profit, non-partisan organization, states on its internet site (<http://www.responsiblelending.org/other-consumer-loans/tools-resources/fast-facts.html>) that: "car title loans are based on the value of a borrower's car - the ability to repay the loans is not factor in the lending decision..."; "loan rates for a car title are typically 20-30 times that of rates charged by credit card issuers..."; "the average car title customer renews their loan 8 times..."; and, "on a \$500 title loan, this average customer will pay back \$650 in interest over eight months; the principal borrowed will be in addition;" and

WHEREAS, lenders hold onto the motor vehicle title and when borrowers cannot continue to pay the fees, they can lose their vehicles, which can drastically affect the borrower's means of transportation for work and other essential household functions.

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

Section 1. Chapter ____ - CREDIT ACCESS BUSINESSES

____.010- Short Title and Purpose.

(a) This article may be known and cited as "Credit Access Businesses Regulation."

(b) The purpose of this article is to protect the welfare of the citizens of the City of _____ by monitoring credit access businesses in an effort to reduce abusive and predatory lending practices. To this end, this article establishes a registration program for credit access businesses, imposes restrictions on extensions of consumer credit made by credit access businesses, and imposes recordkeeping requirements on credit access businesses.

____.020- Definitions.

As used in this chapter:

- (1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the director under this article to the owner or operator of a credit access business.
- (2) CONSUMER means an individual who is solicited to purchase or who purchases the services of a credit access business.
- (3) CONSUMER'S LANGUAGE OF PREFERENCE is the language the consumer understands best.
- (4) CREDIT ACCESS BUSINESS has the meaning given that term in Section 393.601 of the Texas Finance Code.

- (5) DEFERRED PRESENTMENT TRANSACTION has the meaning given that term in Section 393.601 of the Texas Finance Code.
- (6) DIRECTOR means the director of the department designated by the City Council, City Manager, or City Councilor City Manager's Designee, to enforce and administer this chapter.
- (7) EXTENSION OF CONSUMER CREDIT has the meaning given that term in Section 393.001 of the Texas Finance Code.
- (8) MOTOR VEHICLE TITLE LOAN has the meaning given that term in Section 393.601 of the Texas Finance Code.
- (9) PERSON means any individual, corporation, organization, partnership, association, financial institution, or any other legal entity.
- (10) REGISTRANT means a person issued a certificate of registration for a credit access business under this chapter and includes all owners and operators of the credit access business identified in the registration application filed under this chapter.
- (11) STATE LICENSE means a license to operate a credit access business issued by the Texas Consumer Credit Commissioner under Chapter 393, Subchapter G of the Texas Finance Code.

____.030- Violations; Penalty

- (a) A person who violates a provision of this chapter, or who fails to perform an act required of the person by this chapter, commits an offense. A person commits a separate offense for each and every violation relating to an extension of consumer credit, and for each day during which a violation is committed, permitted, or continued.
- (b) An offense under this chapter is punishable by a fine of not more than \$500.
- (c) A culpable mental state is not required for the commission of an offense under this article and need not be proved.
- (d) The penalties provided for in Subsection (b) are in addition to any other remedies that the city may have under city ordinances and state law.

____.040- Defenses

It is a defense to prosecution under this article that at the time of the alleged offense the person was not required to be licensed by the state as a credit access business under Chapter 393, Subchapter G, of the Texas Finance Code.

____.050- Registration Required

A person commits an offense if the person acts, operates, or conducts businesses as a credit access business without a valid certificate of registration. A certificate of registration is required for each physically separate credit access business.

____.060- Registration Application

(a) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the director. The application must contain the following:

(1) The name, street address, mailing address, facsimile number, and telephone number of the applicant.

(2) The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business.

(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business, and the nature and extent of each person's interest in the credit access business.

(4) A copy of a current, valid state license held by the credit access business pursuant to Chapter 393, Subchapter G of the Texas Finance Code.

(5) A copy of a current, valid certificate of occupancy showing that the credit access business is in compliance with the City of _____ Code.

(6) A non-refundable application fee for the amount established.

(b) An applicant or registrant shall notify the director within 45 days after any material change in the information contained in the application for a certificate of registration, including, but not limited to, any change of address and any change in the status of the state license held by the applicant or registrant.

____.070- Issuance and Display of Certificate of Registration; Presentment upon Request.

(a) The director shall issue to the applicant a certificate of registration upon receiving a completed application under Section _____.060

(b) A certificate of registration issued under this section must be conspicuously displayed to the public in the credit access business. The certificate of registration must be presented upon request to the director or any peace officer for examination.

____.080- Expiration and Renewal of Certificate of Registration.

(a) A certificate of registration expires on the earliest of:

(1) One year after the date of issuance; or

(2) The date of revocation, suspension, surrender, expiration without renewal, or other termination of the registrant's state license.

(b) A certificate of registration may be renewed by making application in accordance with Section _____.060. A registrant shall apply for renewal at least 30 days before the expiration of the registration.

____.090- Non-transferability.

A certificate of registration for a credit access business is not transferable.

____.100- Maintenance of Records.

(a) A credit access business shall maintain a complete set of records of all extensions of consumer credit arranged or obtained by the credit access business, which must include the following information:

(1) The name and address of the consumer.

(2) The principal amount of cash actually advanced.

(3) The length of the extension of consumer credit, including the number of installments and renewals.

(4) The fees charged by the credit access business to arrange or obtain an extension of consumer credit; and

(5) The documentation used to establish a consumer's income under Section _____.110 of this ordinance.

(b) A credit access business shall maintain a copy of each written agreement between the credit access business and a consumer evidencing an extension of a consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer).

(c) A credit access business shall maintain copies of all quarterly reports filed with the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code.

(d) The records required to be maintained by a credit access business under this section must be retained for at least three years and made available for inspection by the city upon request during the usual and customary business hours of the credit access business.

____.110- Restriction on Extension of Consumer Credit.

(a) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a deferred presentment transaction may not exceed 20 percent of the consumer's gross monthly income.

(b) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a motor vehicle title loan may not exceed the lesser of:

(1) Three percent of the consumer's gross annual income; or

(2) 70 percent of the retail value of the motor vehicle.

(c) A credit access business shall use a paycheck or other documentation establishing income to determine a consumer's income.

(d) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for repayment in installments may not be payable in more than four installments. Proceeds from each installment must be used to repay at least 25 percent of the principal amount of the extension of consumer credit. An extension of consumer credit that provides for repayment in installments may not be refinanced or renewed.

(e) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for a single lump sum repayment may not be refinanced or renewed more than three times. Proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the original extension of consumer credit.

(f) For purposes of this section, an extension of consumer credit that is made to a consumer within seven days after a previous extension of consumer credit has been paid by the consumer will constitute a refinancing or renewal.

____.120- Requirement of Consumer Understanding of Agreement.

(a) Every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer), must be written in the consumer's language of preference. Every credit access business location must maintain on its premises, to be available for use by consumers, agreements in the English and Spanish languages.

(b) For every consumer who cannot read, every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not

limited to, any refinancing or renewal granted to the consumer) must be read to the consumer in its entirety in the consumer's language of preference, prior to the consumer's signature.

(c) For every consumer who cannot read, every disclosure and notice required by law must be read to the consumers in its entirety in the consumer's language of preference, prior to the consumer's signature.

____.130- Referral to Consumer Credit Counseling.

A credit access business shall provide a form, to be prescribed by the Director, to each consumer seeking assistance in obtaining an extension of consumer credit which references non-profit agencies that provide financial education and training programs and agencies with cash assistance programs. The form will also contain information regarding extensions of consumer credit, and must include the information required by ____ .100(a)(1)-(5) of this ordinance specific to the loan agreement with the consumer. If the Director has prescribed a form in the consumer's language of preference, the form must be provided in the consumer's language of preference.

Section 2. Should any article, section, part, paragraph, sentence, phrase, clause, or word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be illegal, inoperative, unconstitutional, invalid, or ineffective.

Section 3. This ordinance shall take effect _____, 2013

ADOPTED THIS _____ day of _____ 2013.

CITY OF _____

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:

Updates from City Council

II. Originated by:

City Council, City Council

III. Summary:

Updates and information from Council members .

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: REPORTS/ANNOUNCEMENTS - B.

I. Subject:

Updates from the Mayor

II. Originated by:

III. Summary:

Updates and information from the Mayor.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: REPORTS/ANNOUNCEMENTS - C.

I. Subject:

Updates from the City Manager

II. Originated by:

Bob Hart

III. Summary:

Updates and information from City Manager, if any.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: MONITORING INFORMATION - A.

I. Subject:

Executive Limitations

II. Originated by:

III. Summary:

Reports are attached for review.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Executive Limitations	Executive Limitations 11.2015.docx
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POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: GLOBAL EXECUTIVE CONSTRAINT

The City Manager shall not cause or allow any organizational practice, activity, decision, or circumstance that is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics.

Overall, City operations are in compliance with the global constraint policy.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: TREATMENT OF CUSTOMERS OF CITY SERVICES

With respect to interactions with customers, the City Manager shall not cause or allow conditions, procedures, or decisions that are unsafe, untimely, undignified, or unnecessarily intrusive.

The City Manager will not:

1. Elicit information for which there is no clear necessity.
2. Use methods of collecting, reviewing, transmitting, or storing customer information that fail to protect against improper access to the material
3. Operate facilities without appropriate accessibility and privacy.
4. Operate without establishing with customers a clear understanding of what may be expected and what may not be expected from the service offered.
5. Operate without informing customers of this policy or providing a way to be heard for persons who believe that they have not been accorded a reasonable interpretation of their rights under this policy.

Cyber security issues are a major concern in compliance with point 2. The city backs up files on a daily basis to avoid more common hacking attempts. Limitations have been placed on what websites can be accessed. Both the city manager and IT analyst are members of InfraGard to better understand the risks involved.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: TREATMENT OF STAFF

With respect to the treatment of paid and volunteer staff, the City Manager shall not cause or allow conditions that are unfair, undignified, disorganized, or unclear.

The City Manager will not

1. Operate without written personnel rules that (a) clarify rules for staff, (b) provide for effective handling of grievances, and (c) protect against wrongful conditions, such as nepotism and grossly preferential treatment for personal reasons.
2. Retaliate against any staff member for non-disruptive expression of dissent.

3. Allow staff to be unaware of City Manager's interpretations of their protections under this policy.
4. Allow staff to be unprepared to deal with emergency situations.

The city maintains current personnel policy and orientation booklet. City operations are in compliance with the treatment of staff policy. Staff was heavily involved in the preparation of an asset management plan. In addition staff is involved in the interview process consistent with our desired culture.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: EMERGENCY CITY MANAGER SUCCESSION

In order to protect the Council from sudden loss of the City Manager Services, the City Manager shall not permit there to be less than one other person familiar enough with Council and City Manager issues and procedures to be able to maintain organization services.

Kelly Cooper is the most informed of staff members. The department heads collectively are aware of on-going activities and projects, and I have been more attentive to this in staff meetings.



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: MONITORING INFORMATION - B.

I. Subject:

Monthly Financials

II. Originated by:

III. Summary:

Overview of the City's revenues/expenditures for all funds compared to budget and previous year.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Monthly Financials - October	Monthly Financials October.pdf
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REVENUES	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY14-15 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
GENERAL FUND	217,450	5,975,983	6,091,420	223,926	99,090	436,952	1.6%	5,992,330
OTHER GENERAL FUNDS	23,935	1,390,103	1,263,639	35,823	35,823	28,620	2.8%	1,227,816
GENERAL FUND	241,385	7,366,086	7,355,059	259,750	134,914	465,572	1.8%	7,220,145
GENERAL DEBT SERVICE FUND	78,929	1,352,687	1,403,111	79,380	79,380	43,928	5.7%	1,323,732
WATER/SEWER FUND	265,331	3,445,237	5,672,328	310,291	310,291	2,194,373	5.5%	5,362,037
STORMWATER UTILITY FUND	15,056	195,158	247,825	21,502	21,502	(17,700)	8.7%	226,323
WATER IMPACT FUND	9,215	172,370	116,040	11,754	11,754	30	10.1%	104,286
SEWER IMPACT FUND	2,592	44,619	6,682	2,425	2,425	(1)	36.3%	4,256
WATER IMPROVEMENT FUND	-	-	-	-	-	-	0.0%	-
WATER/SEWER FUND	292,194	3,857,384	6,042,875	345,972	345,972	2,176,703	5.7%	5,696,903
EDC4B FUNDS	12,162	607,685	912,036	216	216	10,331	0.0%	911,820
CAPITAL FUNDS	5,279	821,536	1,141,107	4,194	4,194	(107,523)	0.4%	1,136,913
SPECIAL REVENUE FUNDS	0	32,127	126,801	0	0	125,000	0.0%	126,801
TOTAL REVENUES	\$ 629,949	\$14,037,505	\$16,980,989	\$ 689,512	\$ 564,676	\$2,714,011	3.3%	\$ 16,416,314
EXPENDITURES	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY14-15 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
GENERAL FUND	290,263	5,631,233	6,153,516	440,080	365,455	327,692	5.9%	5,788,061
OTHER GENERAL FUNDS	48,511	1,094,576	1,320,248	32,430	32,430	22,385	2.5%	1,287,818
GENERAL FUND	290,263	5,631,233	6,153,516	440,080	365,455	327,692	5.9%	5,788,061
GENERAL DEBT SERVICE FUND	36,759	1,338,313	1,363,867	35,959	35,959	20,759	2.6%	1,327,908
WATER/SEWER FUND	114,706	4,245,921	6,093,228	142,792	142,792	1,032,549	2.3%	5,950,436
STORMWATER UTILITY FUND	49,178	334,932	264,273	2,658	2,658	(307,954)	1.0%	261,615
WATER IMPACT FUND	-	174,916	171,200	-	-	(3,716)	0.0%	171,200
SEWER IMPACT FUND	-	22,396	-	-	-	(22,396)	0.0%	-
WATER IMPROVEMENT FUND	-	-	-	-	-	-	0.0%	-
WATER/SEWER FUND	163,884	4,778,165	6,528,701	145,450	145,450	698,483	2.2%	6,383,251
EDC4B FUNDS	91,744	715,745	711,842	84,494	84,494	(24,127)	11.9%	627,348
CAPITAL FUNDS	-	746,846	1,283,626	-	-	(53,843)	0.0%	1,283,626
SPECIAL REVENUE FUNDS	-	48,852	126,800	-	-	(55,000)	0.0%	126,800
TOTAL EXPENDITURES	\$ 582,650	\$13,259,154	\$16,168,352	\$ 705,983	\$ 631,358	\$ 913,965	3.9%	\$ 15,536,994

GENERAL FUND	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
CITY MANAGER	13,874	275,402	267,466	17,374	4,448	(14,454)	1.7%	263,018
MAYOR/CITY COUNCIL	2,612	77,128	88,476	2,657	1	(5,630)	0.0%	88,475
CITY SECRETARY	3,965	124,118	135,923	5,613	2,306	(12,421)	1.7%	133,617
MUNICIPAL COURT	9,450	129,204	151,701	9,272	4,752	12,884	3.1%	146,949
HUMAN RESOURCES	7,530	112,356	113,473	7,479	1,788	(4,369)	1.6%	111,685
FINANCE	14,014	349,477	300,367	15,753	14,203	(120,033)	4.7%	286,163
POLICE	102,463	2,009,458	2,207,069	165,575	103,515	154,875	4.7%	2,103,554
FIRE	96,799	1,620,210	1,728,014	58,994	58,993	79,246	3.4%	1,669,021
COMMUNITY DEVELOPMENT	22,289	321,358	439,480	16,845	34,923	57,053	7.9%	404,556
SENIOR CITIZEN CENTER	727	50,569	54,077	2,200	2,206	(32)	4.1%	51,871
LIBRARY	14,173	217,519	239,079	15,442	15,442	9,989	6.5%	223,638
NONDEPARTMENTAL	2,367	344,434	428,392	122,875	122,875	170,585	28.7%	305,517
TOTAL EXPENDITURES	\$ 290,263	\$ 5,631,233	\$ 6,153,516	\$ 440,079	\$ 365,453	\$ 327,692	5.9%	\$ 5,788,063

WATER/SEWER FUNDS	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
UTILITY BILLING	3,931	1,326,251	1,360,981	4,537	4,537	14,824	0.3%	1,356,444
WATER OPERATIONS	52,734	1,840,710	3,156,143	40,222	40,222	1,374,731	1.3%	3,115,921
DEBT	-	186,683	505,473	-	-	1,373	0.0%	505,473
NONDEPARTMENTAL	58,041	892,277	1,070,631	98,033	98,033	(358,379)	9.2%	972,598
TOTAL EXPENDITURES	\$ 114,706	\$ 4,245,921	\$ 6,093,228	\$ 142,792	\$ 142,792	\$ 1,032,549	2.3%	\$ 5,950,436

STREET IMPROVEMENT FUND	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
STREETS	29,671	673,440	1,042,405	22,532	22,532	213,729	2.2%	1,019,873
PARKS MAINTENANCE	9,914	117,568	84,000	5,538	5,538	7,000	6.6%	78,462
TOTAL EXPENDITURES	\$ 39,585	\$ 791,008	\$ 1,126,405	\$ 28,070	\$ 28,070	\$ 220,729	2.5%	\$ 1,098,335

EDC4B FUNDS	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
ADMINISTRATION	6,050	239,791	176,466	6,050	6,050	(85,995)	3.4%	170,416
DEBT SERVICE	78,575	323,315	319,893	71,507	71,507	(3,475)	22.4%	248,385
TOWN SHOPPING CENTER	7,120	51,447	50,484	6,937	6,937	-	13.7%	43,547
TOWN CENTER REDEVELOPMENT	-	-	90,000	-	-	90,000	0.0%	90,000
TX LEVERAGE	-	101,192	50,000	-	-	(60,000)	0.0%	50,000
TOTAL EXPENDITURES	\$ 91,744	\$ 715,745	\$ 686,842	\$ 84,494	\$ 84,494	\$ (59,471)	12.3%	\$ 602,348



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: MONITORING INFORMATION - C.

I. Subject:

Ends Review
Balanced Scorecard

II. Originated by:

III. Summary:

Reports are attached for review.

IV. Fiscal Impact Summary:

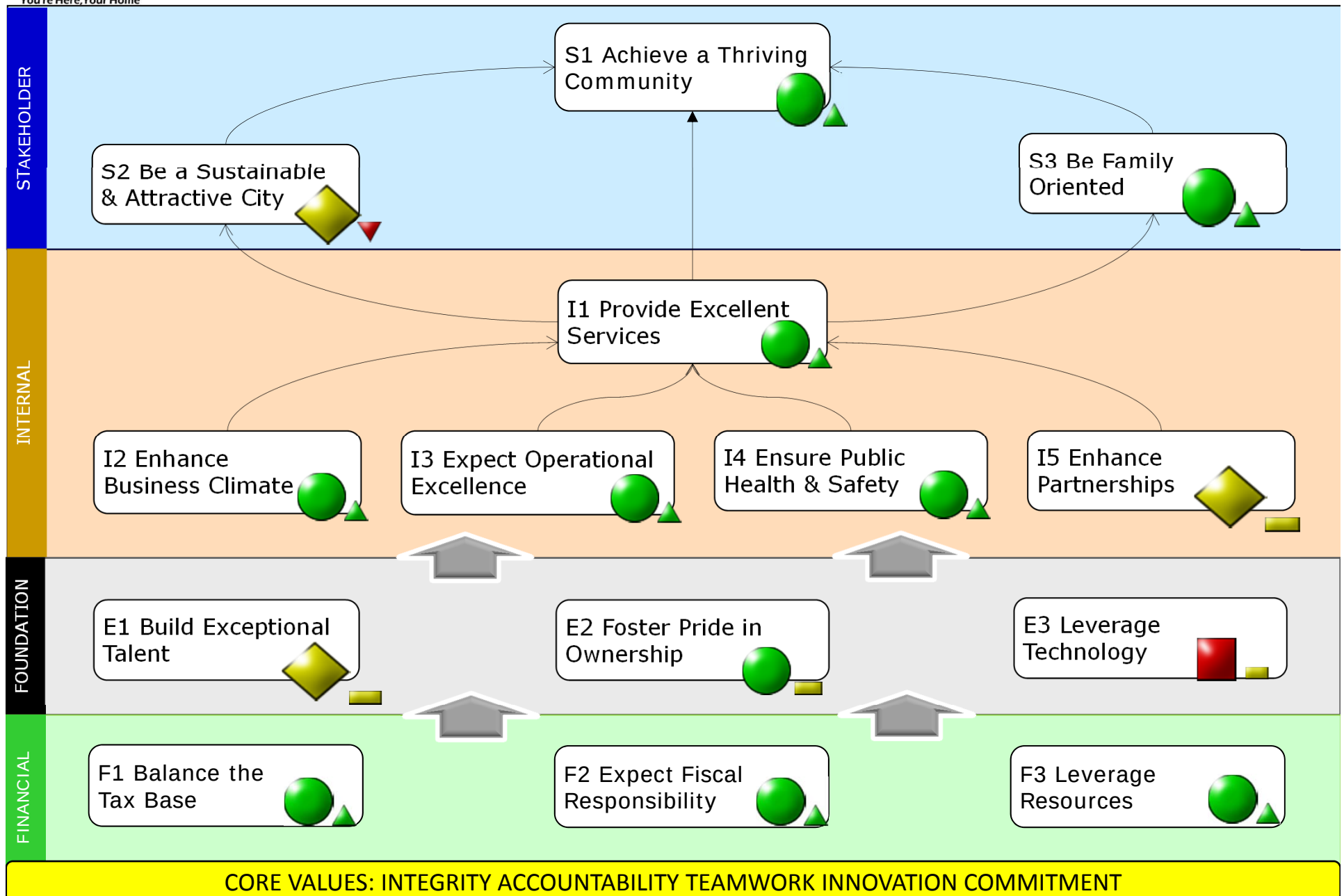
V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Balanced Scorecard	Balanced Scorecard.pdf
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Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: INCIDENTAL ITEMS (CONSENT) - A.

I. Subject:

Consider approval of minutes from October 26, 2015 meeting

II. Originated by:

III. Summary:

Please see the attached minutes for your approval.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	City Council Meeting Minutes - October 26, 2015	October 26, 2015.pdf
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KENNEDALE CITY COUNCIL
MINUTES
REGULAR MEETING
October 26, 2015
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 5:30 PM
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Mayor Johnson called the meeting to order at 6:27 p.m.

II. WORK SESSION

***NOTE: Pursuant to Section 551.071, Texas Government Code, the City Council reserves the right to adjourn into Executive Session at any time during the work session or the regular session to discuss posted executive session items or to seek legal advice from the City Attorney on any item posted on the agenda.**

A. Discuss water delivery and billing/collection issues

City Manager, Bob Hart provided an overview on the water service delivery, billing and collection issues; he stated that Kennedale has a quality water, sewer, stormwater drainage, and solid waste utility system. Bob touched on several issues including Texas water issues, DFW population growth and the water supply to handle the growth, the challenges to reduce consumption, and conservation strategies. Lastly, there was discussion concerning billing issues with the city's public private partnership, Fathom Water Management.

B. Discussion of items on regular agenda

No items were discussed at this time.

III. REGULAR SESSION

Mayor Johnson opened the regular session at 7:07 p.m.

IV. ROLL CALL

Present: Frank Fernandez, Brian Johnson , Kelly Turner, Liz Carrington, Charles Overstreet, Michael Walker

Absent: None

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State under God; One and Indivisible."

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

There was no one present requesting to speak.

IX. REPORTS/ANNOUNCEMENTS

In addition to any specific matters listed below, the city council may receive a report about items of community interest, including but not limited to recognition of individual officials, citizens or departments, information regarding holiday schedules, upcoming or attended events, etc.

A. Updates from City Council

Councilman, Kelly Turner stated that he had recently attended an Emergency Preparedness Planning Council (EPPC) meeting. He added that they hold mock scenarios each year, with several planned for 2016.

B. Updates from the Mayor

- Monarch Migration Day Proclamation
- Arbor Day Proclamation

Mayor Johnson read aloud a proclamation in recognition of Monarch Migration Day.

Mayor Johnson read aloud a proclamation in recognition of Arbor Day, November 7, 2015, stating that the City of Kennedale has planted trees within the medians of Little School Road and Sublet Road in support of the Arbor Day Foundation and Tree City USA programs; and the Keep Kennedale Beautiful Commission is also planting trees within the City Parks and the community in support of the Arbor Day Foundation and Tree City USA programs.

C. Updates from the City Manager

City Manager, Bob Hart informed the Council that the October 24, 2015 "Bring It" event was canceled due to the weather; he noted that it will be rescheduled in the Spring.

X. MONITORING INFORMATION

A. Executive Limitations

B. Ends

- Balanced Scorecard

There was no discussion on these items. Updated information was in the agenda packet for review.

XI. INCIDENTAL ITEMS (CONSENT)

All matters listed under incidental items (consent) have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately.

- ##### **A. Consider the selection of Halff Associates to prepare a grant application through FEMA for federal funding of the purchase and removal of flood prone structures under the Hazard Grant Mitigation Program; and to assist the City of Kennedale in the implementation of a Hazard Grant Mitigation Program Plan; and to authorize the City Manager to execute a contract**

B. Consider approval of contract with Freese and Nichols to conduct an Impact Fee Study

C. Approve Schedule of Investment Activity for quarter ending September 30, 2015

Motion To approve all Incidental Items on (Consent) agenda. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington.

Motion passed Unanimously

XII. REQUIRED APPROVAL ITEMS

XIII. DECISION ITEMS

A. Consider approval of minutes from September 21, 2015 meeting

Motion To approve the minutes from the September 21, 2015 regular meeting. **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Liz Carrington.

Motion passed Unanimously

B. Consider approval of minutes from October 6, 2015 Special Interview meeting

Motion To approve the minutes from the October 6, 2015 special interview meeting. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Kelly Turner.

Motion passed Unanimously

C. Consider approval of minutes from October 7, 2015 Special Interview meeting

Motion To approve the minutes from the October 7, 2015 special interview meeting. **Action** Approve, **Moved By** Liz Carrington, **Seconded By** Charles Overstreet.

Motion passed Unanimously

D. Consider approval of minutes from October 19, 2015 meeting

Motion To approve the October 19, 2015 minutes from the work session only. No quorum for regular meeting. **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Charles Overstreet.

Motion passed Unanimously

E. City Council to consider making appointments to the Board of Adjustment/Building Board of Appeals, Keep Kennedale Beautiful Commission, Kennedale Economic Development Corporation, Parks and Recreation Board, Planning and Zoning Commission and Library Advisory Board

Motion To reappoint all members who interviewed for the Board of Adjustment/Building Board of Appeals, Keep Kennedale Beautiful Commission, Kennedale Economic Development Corporation, Parks and Recreation Board, Planning and Zoning Commission, and the Library Board. **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Frank Fernandez.

Motion passed Unanimously

Motion To appoint Cesar Guerra to the Keep Kennedale Beautiful Commission, Azam Shaika to the Parks and Recreation Board, and John Clark to the Board of Adjustment/Building Board of Appeals. **Action** Approve, **Moved By** Frank Fernandez **Seconded By** Kelly Turner.
Motion passed Unanimously

It was noted that appointments to the TownCenter Development District (TDD) and to the Tax Increment Reinvestment Zone (TIRZ) will be made at the November meeting.

Motion To appoint John Clark as the Chairman for the Board of Adjustment/Building Board of Appeals, and Ernest Harvey as the Chairman for the Planning and Zoning Commission. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Frank Fernandez.
Motion passed Unanimously

F. Consider appointment of an Impact Fee Advisory Board

City Manager, Bob Hart informed the Council that it has been eight years since the impact fees have been reviewed. Bob stated that staff recommends the Planning and Zoning Board members be appointed to the Impact Fee Advisory Board. He added that an additional person is needed with property in the extraterritorial jurisdiction, and staff is recommending Delbert Raines to fill that position.

In closing, Bob stated that Freese and Nichols will provide a training class for the Advisory Board and Council titled "Impact Fees 101" to be held during the regular Council work session in November.

Motion To approve the appointment of the Planning and Zoning Board members and Delbert Raines to the Impact Fee Advisory Board. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Michael Walker.
Motion passed Unanimously

G. Consider Resolution 463 authorizing participation in various cooperative purchasing programs

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.
Motion passed Unanimously

H. Consider Resolution 464 adopting an amended City of Kennedale Financial Management Policy

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.

Motion passed Unanimously

I. Consider Resolution 465 adopting an amended City of Kennedale Identity Theft Prevention Program Policy

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.

Motion passed Unanimously

J. Consider Resolution 466 adopting an amended City of Kennedale Grant Submission & Acceptance Policy

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.

Motion passed Unanimously

K. Consider Resolution 467 adopting an amended City of Kennedale Fraud Policy

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.

Motion passed Unanimously

L. Consider Resolution 468 adopting an amended City of Kennedale Unclaimed Property Policy

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.

Motion passed Unanimously

M. Consider Resolution 469 adopting an amended City of Kennedale Purchasing Policy

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.

Motion passed Unanimously

N. Consider Resolution 470 adopting an amended City of Kennedale Procurement Card Program Policy

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.

Motion passed Unanimously

O. Consider Resolution 471 adopting an amended City of Kennedale Investment Policy

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.

Motion passed Unanimously

P. Consider Resolution 472 adopting an amended City of Kennedale Internal Controls & Cash Handling Policy

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.

Motion passed Unanimously

Q. Consider Resolution 473 adopting an amended Kennedale Fund Balance Policy

Decision agenda items "G - Q" covering policy amendments were previously discussed, where updates to the policies were provided by Finance Director Krystal Crump. Resolutions 463 - 473 were approved as one motion.

Motion To approve policy amendments on Resolutions 463 through 473. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Liz Carrington.
Motion passed Unanimously

R. Consider approval of an Ordinance 579 amending the city's schedule of administrative fees

Finance Director, Krystal Crump provided an update for all new fees added to the current administrative fee schedule. Krystal noted that the additions to the fee schedule encompass several fees that are not currently being recovered.

Motion To approve Ordinance 579 amending the city's schedule of administrative fees. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Kelly Turner.
Motion passed Unanimously

XIV. ADJOURNMENT

Council members agreed that due to the Christmas Holiday the December meeting should be moved to December 14, 2015.

Motion To adjourn. **Action** Adjourn, **Moved By** Kelly Turner, **Seconded By** Liz Carrington.
Motion passed Unanimously

The meeting was adjourned at 7:19 p.m.

APPROVED:

ATTEST:

Brian Johnson, Mayor

Leslie Galloway, City Secretary



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: INCIDENTAL ITEMS (CONSENT) - B.

I. Subject:

Consider approval of an Interlocal Agreement with Tarrant County, Texas for the reconstruction of Village Street

II. Originated by:

III. Summary:

The adopted budget included the reconstruction of Village Creek. Funding for the reconstruction will come from a Tarrant County Interlocal agreement and EOG. This item has been placed on the agenda requesting approval of the interlocal agreement with Tarrant County.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Tarrant County Interlocal Agreement	ILA _ Tarrant County.pdf
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THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF TARRANT

This Interlocal Agreement is between Tarrant County, Texas ("COUNTY"), and the City of Kennedale ("CITY").

WHEREAS, the CITY is requesting the COUNTY's assistance in the reconstruction of Village Street at a width of 24 feet and a length of approximately 760 feet (the "**Project**").

WHEREAS, the Interlocal Cooperation Act contained in Chapter 791 of the Texas Government Code provides legal authority for the parties to enter into this Agreement; and

WHEREAS, during the performance of the governmental functions and the payment for the performance of those governmental functions under this Agreement, the parties will make the performance and payment from current revenues legally available to that party; and

WHEREAS, the Commissioners Court of the COUNTY and the City Council of the CITY each make the following findings:

- a. This Agreement serves the common interests of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and the COUNTY have authorized their representative to sign this Agreement.

NOW, THEREFORE, the COUNTY and the CITY agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

The COUNTY will furnish the labor and equipment to assist the CITY in completing the Project. The reconstruction will consist of the following:

- 1.1 Stabilize and compact sub-grade at a depth of ten (10) inches;
- 1.2 Apply asphalt emulsion prime coat;
- 1.3 Place and compact four (4) inches of Type B Hot Mix Asphalt Concrete; and
- 1.4 Place and compact three (3) inches of Type D Hot Mix Asphalt Concrete.

2. CITY RESPONSIBILITY

- 2.1 CITY will furnish all materials for the Project and pay trucking charges.
- 2.2 CITY will furnish a site for dumping waste in close proximity to job site for materials generated during this Project.
- 2.3 CITY will furnish all rights of way, plan specifications and engineering drawings.
- 2.4 CITY will furnish necessary traffic controls including Type A barricades to redirect traffic flow to alternate lanes during the construction phase of the Project; and
- 2.5 CITY will provide temporary driving lane markings.
- 2.6 If a Storm Water Pollution Prevention Plan is required, the CITY will be responsible for the design and development of the Plan. CITY will pay for all cost

- (including subcontractor materials, labor and equipment) associated with the implementation and maintenance of the Plan.
- 2.7 CITY will ensure that the Project is cleared of obstructions which could damage COUNTY equipment during construction.
 - 2.8 CITY will verify the location of all utility locations, mark those locations and then remove the utilities that will interfere with the progress of the Project.
 - 2.9 CITY will provide any soil lab testing needed for the Project.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this Project.

If the CITY has a complaint regarding the construction of the Project, the CITY must complain in writing to the COUNTY no later than 30 days of the date of Project completion. Upon expiration of 30 days after Project completion, the CITY will be solely responsible for maintenance and repairs of Village Street.

4. NO WAIVER OF IMMUNITY

This Agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This Agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

- 5.1 If the CITY requests application of permanent striping by the COUNTY, a separate interlocal agreement must be entered into by the parties.
- 5.2 If necessary, the CITY will furnish flag persons.
- 5.3 If required, the CITY will pay for engineering services, storm water run-off plans, and continuation of services and plan.

6. TIME PERIOD FOR COMPLETION

The CITY will give the COUNTY notice to proceed at the appropriate time. However, the COUNTY is under no duty to commence construction at any particular time.

7. THIRD PARTY

The parties do not enter into this Agreement to protect any specific third party. The intent of this Agreement excludes the idea of a suit by a third party beneficiary. The parties to this Agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

8. JOINT VENTURE & AGENCY

The relationship between the parties to this Agreement does not create a partnership or joint venture between the parties. This Agreement does not appoint any party as agent for the other party.

9. EFFECTIVE DATE

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed.

10. TERMINATION OF AGREEMENT

This Agreement will automatically terminate upon completion of the Project or September 30, 2016, whichever date occurs first. This Agreement may be renewed prior to its expiration upon the mutual consent of the parties in writing.

TARRANT COUNTY, TEXAS

CITY OF KENNEDALE

COUNTY JUDGE

Authorized City Official

Date: _____

Date: _____

COMMISSIONER, PRECINCT 2
Andy Nguyen

Attest:

Attest:

APPROVED AS TO FORM*

APPROVED AS TO FORM AND LEGALITY

Criminal District Attorney's Office*

City Attorney

* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: INCIDENTAL ITEMS (CONSENT) - C.

I. Subject:

Consider authorizing the Mayor to sign an Interlocal Agreement with the Fort Worth Transportation Authority for Administrative Cost Funding for Section 5310 Program

II. Originated by:

III. Summary:

This is an annual agreement with the Fort Worth Transportation Authority that allows for FTA paratransit services in Kennedale. This agreement covers the service period of January 1, 2016 through December 31, 2016.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Fort Worth Transportation Authority Interlocal Agreement	ILA - FWTa Section 5310.doc
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T Contract No. _____
City Secretary Contract No. _____

**INTERLOCAL AGREEMENT
FOR ADMINISTRATIVE COSTS FUNDING FOR
SECTION 5310 PROGRAM
BETWEEN
THE FORT WORTH TRANSPORTATION AUTHORITY
AND
THE CITY OF KENNEDALE, TEXAS**

The Fort Worth Transportation Authority (“T”) and the City of Kennedale, Texas (“City”) are both local governmental entities as that term is used in Chapter 791, Interlocal Cooperation Contracts, V.T.C.A., Government Code. They shall sometimes be referred to collectively as the “Parties”.

WHEREAS, the City of Kennedale desires to provide door-to-door paratransit services for elderly and persons with disabilities within Tarrant County and does not have a transportation service nor is a member of a transportation authority; and

WHEREAS, the Fort Worth Transportation Authority is a federal grantee of the Federal Transit Administration and the Federal Transit Administration provides funding to States under Section 5310 of Title 49 of the United States Code, and the goal of the Section 5310 program is to provide transportation for elderly and disabled persons residing in cities that do not have public transportation available to them; and

WHEREAS, the Texas Department of Transportation (TxDOT) asked the T to develop and implement a Section 5310 program (TCTS) for otherwise under served communities in Tarrant County; and

WHEREAS, the Fort Worth Transportation Authority has been awarded the grant for this area and the City of Kennedale is contributing \$1,288.00 towards the administrative costs of the Section 5310 service (TCTS); and

WHEREAS, the monies will support a portion of administrative costs for the transportation services to the described peoples during a 12 month period;

The parties pursuant to City of Kennedale action and Fort Worth Transportation Authority action agrees as follows:

1. This program is called Tarrant County Transportation Services (TCTS). This transportation is provided for a variety of purposes such as medical appointments, shopping or recreation.
2. Each party represents to the other that the delegated costs of the project under the Agreement, as well as any payments made by it pursuant to this Agreement, will be made from current revenues and/or specified grant funds. Further, each Party warrants and represents to the other party that each Party has been authorized by its respective governing body to do so. Each party further represents and warrants to the other Party that any renewal of, deletion, or change to this Agreement will be in writing and authorized by its respective governing body.
3. The Fort Worth Transportation Authority will administer transportation services to the citizens of the City of Kennedale under the program known as Tarrant County Transportation Services from January 1, 2016 through December 31, 2016.
4. The Fort Worth Transportation Authority will administer demand responsive transportation services for the seniors and persons with disabilities of Kennedale according to the federal requirements of the Section 5310 grant and according to the relevant State of Texas statutes.
5. The City of Kennedale will pay the authorized amount to the Fort Worth Transportation Authority within 30 days of receipt of invoice.
6. Fort Worth Transportation Authority will provide access upon request to the Section 5310 records to the City of Kennedale.
7. Parties will comply with all applicable State of Texas and federal statutes and regulations as required by their status as a federal grantee and transit authority of the State of Texas, and federal grantee and municipality of the State of Texas, respectively.
8. The term of this agreement will begin January 1, 2016 and end December 31, 2016.
9. The City of Kennedale will be considered a participating community and the qualifying residents of Kennedale will be entitled to ride TCTS for a one-way trip fare of \$2.50.

CITY OF KENNEDALE, TEXAS

FORT WORTH
TRANSPORTATION AUTHORITY:

By: _____
Mayor

By: _____
Paul J Ballard
President & CEO

ATTEST: _____

APPROVED AS TO FORM:

City Attorney
City of Kennedale, Texas



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: REQUIRED APPROVAL ITEMS - A.

I. Subject:

Consider the casting of votes for the Board of Directors for the Tarrant Appraisal District

II. Originated by:

III. Summary:

Taxing entities elect members to the Tarrant Appraisal District Board of Directors every two years. Votes are allocated by the total amount of tax funds collected. 5000 votes are available county wide. Kennedale has 7 votes. Eight individuals have been nominated for five positions on the board. Council will need to determine the candidate for whom the seven votes should be cast.

Letter and voting form attached

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Tarrant Appraisal District Election	TDD Attachment.pdf
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Jeff Law
Executive Director
Chief Appraiser

October 27, 2015

Mr. Brian Johnson
Mayor
City of Kennedale
405 Municipal Drive
Kennedale, Texas 76060

Dear Mr. Johnson:

The terms of service for the five (5) elected Directors of the Tarrant Appraisal District expire December 31, 2015. The deadline for nominations has passed. Enclosed is a list of nominees for these five (5) positions and an official ballot.

The Property Tax Code requires that votes be in an open meeting by resolution. All votes may be cast for one candidate or distributed among any number of candidates listed on the official ballot. There is NO provision for write in candidates. Votes cast for someone other than the candidates listed on the ballot cannot be counted.

The deadline for voting is December 15, 2015. You may mail the ballot resolution, fax to (817) 595-6198 or email to mmccoy@tad.org. The five (5) candidates receiving the most votes are elected to a two (2) year term beginning January 1, 2016.

All tax units will be notified of the results of the election before December 31, 2015.

Sincerely,

Jeff Law
Executive Director
Chief Appraiser

JL:mm
Encl.



ELECTION OF MEMBERS TO THE BOARD OF DIRECTORS

We, the governing body of City of Kennedale having been advised by the Chief Appraiser of Tarrant Appraisal District that we are entitled to cast 7 votes collectively or separately for the following nominees for the Board of Tarrant Appraisal District:

Mr. Johnny Bennett	
Ms. Karina Davis	
Mr. John Eubanks	Mr. Eubanks has notified TAD that he withdraws his name from consideration for reelection to TAD's Board of Directors.
Mr. Don Funderlic	
Mr. John Marshall	Mr. Marshall has notified TAD that he withdraws his name from consideration for election to TAD's Board of Directors.
Mr. John Molyneaux	
Mr. Terry Moore	
Mr. Michael O'Donnell	
Mr. Joe Potthoff	
Mr. Mark Wood	

do hereby resolve and order that City of Kennedale cast and does hereby cast its votes as follows:

VOTES FOR		
	Mr. Johnny Bennett	
	Mr. Karina Davis	
	Mr. John Eubanks	Mr. Eubanks has notified TAD that he withdraws his name from consideration for reelection to TAD's Board of Directors.
	Mr. Don Funderlic	
	Mr. John Marshall	Mr. Marshall has notified TAD that he withdraws his name from consideration for election to TAD's Board of Directors.
	Mr. John Molyneaux	
	Mr. Terry Moore	
	Mr. Michael O'Donnell	
	Mr. Joe Potthoff	
	Mr. Mark Wood	

Passed this _____ day of _____, 2015

Presiding Officer

ATTEST

_____, Secretary or Clerk, City of Kennedale

IMPORTANT: This ballot should be returned by December 15, 2015 to Jeff Law, Chief Appraiser, Tarrant Appraisal District, 2500 Handley-Ederville Rd., Fort Worth, Texas, 76118



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: DECISION ITEMS - A.

I. Subject:

City Council to consider making appointments to the TownCenter Development District, the Tax Increment Reinvestment Zone

II. Originated by:

City Council, City Council

III. Summary:

Current members with expiring terms:

TownCenter Development District (TDD):

Robert Mundy to Place 1
Brian Johnson to Place 3
Frank Fernandez to Place 5

Tax Increment Reinvestment Zone (TIRZ):

Robert Mundy (Chair) to Place 1
Pat Turner (Vice Chair) to Place 3
Jeni McGarry to Place 5
Mark McClendon to Place 7

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Attendance Records	ATTENDANCE RECORDS.pdf
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ATTENDANCE RECORDS

TOWNCENTER DEVELOPMENT DISTRICT

October 28, 2014

Robert Mundy	Present
Brian Johnson	Present
Frank Fernandez	Present
Kelly Turner	Present
Mark Yeary	Present

October 27, 2015

Robert Mundy	Present
Brian Johnson	Present
Frank Fernandez	Absent
Kelly Turner	Absent
Mark Yeary	Present

TAX INCREMENT REINVESTMENT ZONE ONE

June 18, 2014

Robert Mundy	Present
Frank Fernandez	Present
Rebecca Mowell	Present
Pat Turner	Present
Mark McLendon	Absent
Scott Rule	Absent
Jeni McGarry	Absent

June 15, 2015

Robert Mundy	Present
Frank Fernandez	Present
Rebecca Mowell	Present
Pat Turner	Present
Mark McLendon	Present
Scott Rule	Present
Jeni McGarry	Present

Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: DECISION ITEMS - B.

I. Subject:

Consider approval of Ordinance 580 authorizing a No Parking Zone in the 1300 block of Kennedale Parkway.

II. Originated by:

Tommy Williams, Police Chief

III. Summary:

Since the opening of the QT and the two neighboring restaurants, we have experienced problems with traffic issues in that portion of the parkway. We have had a number of accidents related to site distance limitations on Kennedale Parkway as the businesses sit at the crest of a hill. Adding to this issue is the fact that often large trucks are parked on the emergency shoulder of the parkway while the drivers use the businesses to eat. This further reduces drivers abilities to see to the south as they try to maneuver out of or into the parking lots in that area. The police department is requesting a no parking zone on both sides of the road extending to the bottom of the hill in order to enhance driver safety for the area.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 580	Ordinance 580.doc
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ORDINANCE NO. 580

AN ORDINANCE AMENDING CHAPTER 22- TRAFFIC AND MOTOR VEHICLES OF THE CODE OF ORDINANCES OF THE CITY OF KENNEDALE TEXAS BY ADDING A NEW SECTION 22-48 – NO PARKING ZONE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale Texas 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, the City has previously enacted ordinances now codified in Chapter 22 of the Kennedale Code of Ordinances and regulating the movement of traffic and motor vehicles, and

WHEREAS, the City Council has determined that it is in the best interest of the citizens to amend the existing ordinance to regulate parking on Kennedale Parkway, and

WHEREAS, the City Council has determined that this amendment to the City Code of Ordinances will advance the health, safety, and general welfare of the citizens of the City of Kennedale.

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

SECTION 1.

ARTICLE III. STOPPING, STANDING AND PARKING.

Sec. 22 – 48 No Parking Zones

- (1) No person shall stand or park any vehicle upon or along:
 - (a) The west side of the 1300 block of West Kennedale Parkway, from the south curb line of the I-20 Access Road, ending at a point 990 feet south of that boundary at the Oak Crest Drive intersection.
 - (b) The east side of the 1300 block of West Kennedale Parkway, from the south curb line of the I-20 Access Road, ending at a point 1,350 feet south of that boundary at the Gilman Road intersection.

SECTION 2.

This ordinance shall be cumulative of all provisions of the City of Kennedale Texas except where the provisions of this ordinance are in direct conflict with the provisions of

other ordinances in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

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 a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect 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 the unconstitutional phrase clause sentence paragraph or section.

SECTION 4.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of Chapter 3 of the Code of Ordinances of the City of Kennedale Texas or any other ordinances regulating animals which 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 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 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

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 two 2 days as authorized by Section 50123 of the Local Government Code.

SECTION 7.

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 THIS 16th DAY OF NOVEMBER, 2015.

ATTEST:

Leslie Galloway, City Secretary

APPROVED:

Mayor, Brian Johnson

APPROVED AS TO LEGALITY AND FORM:

City Attorney, Wayne Olson



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: November 16, 2015

Agenda Item No: DECISION ITEMS - C.

I. Subject:

CASE # PZ 15-11 Public hearing and consideration approval of Ordinance 581 regarding a request by Summit Custom Homes for a zoning change for 2.07 acres from "AG" Agricultural zoning district to "R1" Single family residential zoning district at 1033 – 1041 Swiney Hiatt Rd and 1149 Swiney Hiatt, legal description of Oliver Acres block 1 lot 5 and ½ of lot 4 and lot 6D, Kennedale, recently replatted as Oliver Acres block 1 lots 4R1, 5R1, & 5R2, Tarrant County, Texas.

1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response
5. Staff response and summary
6. Action by the City Council

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: rezoning from "AG" to "R-1"

Location: north side of Swiney Hiatt

Applicant: Summit Custom Homes

Surrounding uses: single-family residential: Beacon Hill and Falcon Wood are across Swiney Hiatt, The Vineyard is directly behind one of the properties, and the larger lot single family homes on Collett Sublett are also nearby.

Planning & Zoning Commission recommendation: approve

Staff Recommendation:

approve

Background and Overview.

These properties are part of the Oliver Acres addition, originally dedicated in 1940. The properties are zoned "AG," which requires a minimum of 1 acre for development. The area is primarily single family residential.

Summit Custom Homes applied for a minor plat, which staff mistakenly approved, believing the area to be zoned R-1 single family (other properties on Swiney Hiatt where Summit has been building are zoned R-1). On the recommendation of city staff, Summit Homes has requested the properties in question be rezoned from their current zoning of "AG" Agricultural to "R-1" Single Family Residential.

Surrounding properties are zoned agricultural and single family residential (R-1, R-3, and The Vineyard PD).

Development Standards for AG and R-1 Districts.

A summary comparison of the development standards for each district is as follows: minimum lot area under AG zoning is 1 acre, whereas R-1 lots are required to be at least 1/2 an acre. A change in zoning would increase the potential number of lots from 4 to 8. Minimum lot width is smaller in AG districts than in R-1 districts, but minimum lot depth is the same in the two districts. Front and side setback minimums are the same in AG and R-1, but required rear setbacks are smaller in R-1 than in AG districts. The minimum living area for homes and the masonry requirements are the same in both districts.

Staff Review.

Compliance with the comprehensive land use plan.

The comprehensive land use plan identifies this area as Neighborhood and Neighborhood Corridor (the immediate frontage along Swiney Hiatt is Neighborhood Corridor, while the bulk of the acreage is Neighborhood; see attached illustration). The Neighborhood district is intended to be residential in character; a full description of the character district is included with this report. R-1 zoning is in compliance with the character district description (or as close as any of our residential zoning districts can come to it).

The Neighborhood Corridor district is intended to provide commercial uses along particular roadways within the city. While this area may transition to including some commercial uses in the future, the kinds of commercial uses intended for the Corridor districts will need to develop over time as density increases in the area. At this time, a Neighborhood use is the most suitable development pattern for area.

Staff considers the requested zoning to be in compliance with the comprehensive land use plan.

Compliance with the strategic plan.

The strategic plan's recommendations are not applicable to this rezoning request.

Compliance with City Council priorities.

The Council has two priorities related to this rezoning request: (1) Enhance the Business Climate -- Increasing resident population was noted as part of enhancing the business climate; and (2) Balance the Tax Burden -- Creating higher density housing was identified as one way to balance the tax burden. The proposed rezoning increases potential density (reducing minimum lot size from 1 acre to 1/2 acre) and increases potential number of new residents while also maintaining the neighborhood character of the area.

Staff Recommendation.

The requested rezoning is in compliance with the comprehensive plan and Council priorities and does not conflict with the strategic plan. Staff recommends approval.

Recommendation from the Planning & Zoning Commission.

The Planning & Zoning Commission considered this case during its regular meeting in October. After holding a public hearing, the Commission voted to recommend approval. No one spoke at the public hearing.

Action by the City Council.

City code sets forth the Council's options in rezoning cases. You may approve, deny, or postpone consideration of the request / ordinance. If you postpone consideration, you must state when you will

consider the case again.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	Ordinance 581	Ordinance 581.pdf
2.	Neighborhood character district description	Neighborhood Character District (excerpt from comprehensive plan).pdf
3.	Future Land Use Plan	Kennedale_Future Land Use_11x17 3-28-12.pdf
4.	PZ 15-11 map of site	PZ 15-11 aerial (compressed) site of rezoning request.pdf

ORDINANCE 581

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 "R-1" SINGLE FAMILY RESIDENTIAL 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, Summit Custom Homes, which has a proprietary interest in said property being an approximately 2.07 acre tract in the J M Lilly Survey A-980, more particularly described as Oliver Acres Addition Block 1 Lot 5 and the east half of Lot 4 and Block 1 Lot 6D, Tarrant County, Texas, has filed an application to rezone the property from its present classification of "AG" Agricultural Zoning District to a "R-1" Single Family Residential Zoning District; and

WHEREAS, the City Council has determined that single family residential zoning is the most appropriate zoning district to facilitate the development of the property; and

WHEREAS, the requested zoning of "R-1" Single Family Residential Zoning District is in compliance with the comprehensive land use plan for the City of Kennedale; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 15th day of October 2015 and by the City Council of the City of Kennedale on the 16th day of November 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 2.07 acre tract in the J. M. Lilly Survey A-980, more particularly described as Oliver Acres Addition Block 1 Lot 5 and the east half of Lot 4, Tarrant County, Texas as conveyed through a warranty deed filed with Tarrant County, Texas on June 11, 2010, instrument number D210140023, and a portion of Oliver Acres Block 1 Lot 6, Tarrant County, Texas, as conveyed through a warranty deed filed with Tarrant County, Texas on May 13, 2015, instrument number D215099944 ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from of "AG" Agricultural Zoning District to a "R-1" Single Family Residential Zoning District.

SECTION 2.

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, Section 1, the penalty clause, the publication clause, and the effective date 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 16th DAY OF NOVEMBER 2015.

ATTEST:

APPROVED:

City Secretary, Leslie Galloway

Mayor Brian Johnson

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne K. Olson

EXHIBIT A¹

That certain portion of Lot 6, Block 1, Oliver Acres, a subdivision now in the City of Kennedale, Tarrant County, Texas, according to the Plat recorded in Volume 1363, Pages 566 and 567, Deed Records, Tarrant County, Texas, and being more particularly described as follows;

BEGINNING at an iron rod at the Southeast corner of said Lot 6, Block 1, Oliver Acres, said iron being in the West line of Collett Sublett Road, and in the North line of Swiney Hiatt Road;

THENCE West 210.0 feet along the North line of Swiney Hiatt Road, the Southline of Lot 6, to an iron rod for corner;

THENCE North 00 degrees 45 minutes East, 126.0 feet to an iron rod for corner;

THENCE East 210.0 feet along the South line of said tract described in Volume 6625, Page 322, Deed Records, Tarrant County, Texas, to an iron rod for corner in the West line of Collett Sublett Road also being the East line of said Lot 6;

THENCE South 00 degrees 45 minutes West, 126 feet along the West line of Collett Sublett Road, the East line of Lot 6, Block 1, to the Point of Beginning, and containing 0.61 acres of Land, more or less.

**NOTE: THE COMPANY DOES NOT REPRESENT THAT THE ABOVE
ACREAGE OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.**

GE# ALPH79-67910000397 JT Alamo

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

General Warranty Deed

ALL CASH

(State Bar of Texas form [2006] reproduced by word processor)

Date: April 30, 2010

Grantor: Karl Mitchell Killgore in his capacity as Independent Executor of the Estate of Mabel Beam Killgore, Deceased; Edgar Lewis Killgore; Francis Laverne Killgore Heath; Howard Cecil Killgore; Clyde Nolan Killgore; Gerald Don Killgore; and Karl Mitchell Killgore, Individually

Grantor's Mailing Address:

c/o Karl Mitchell Killgore
432 Arwine Drive
Hurst, Texas 76053

Grantee: John R. Crouch and wife, Sharon I. Crouch

Grantee's Mailing Address:

1702 Queensborough Drive
Arlington, TX 76015

Consideration: Ten and No/100-----Dollars and other good and valuable consideration.

Property (including any improvements):

Being the East one-half (1/2) of Lot 4, and all of Lot 5, Block 1, of OLIVER ACRES, an Addition to the City of Kennedale, Tarrant County, Texas, according to the plat thereof recorded in Volume 1383, Page 586 and 587, Plat Records, Tarrant County, Texas.

Reservations from Conveyance:

Notwithstanding anything contained in this deed to the contrary, Grantor hereby reserves for Grantor and Grantor's heirs, successors and assigns forever, all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.



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

KENNEDALE COMPREHENSIVE PLAN UPDATE

FUTURE LAND USE PLAN

CATEGORIES

- Town Center 
- Downtown Village 
- Urban Village 
- Urban Corridor 
- Neighborhood Village 
- Neighborhood Corridor 
- Neighborhoods 
- Employment Center 
- Light Industrial District 
- Park & Open Space 
- Conservation Overlay 
- Potential Commuter Train or
Park & Ride Station 
- Schools 

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

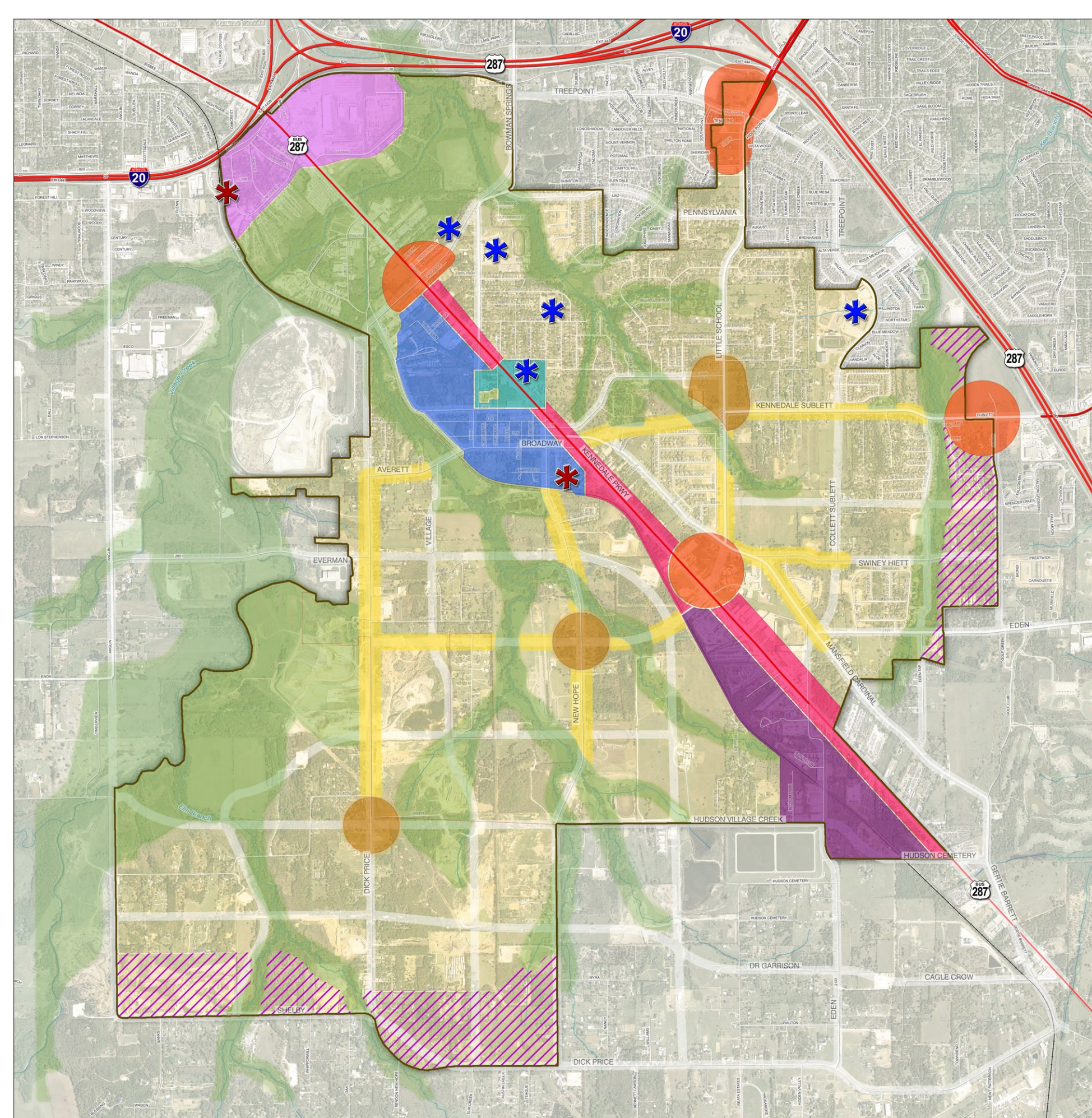
0 1,000 2,000 4,000 Feet



March 8, 2012



KENNEDALE
You're Here, Your Home



PZ 15-11: site of rezoning request





STAFF REPORT TO THE BOARD OF DIRECTORS

Date: November 16, 2015

Agenda Item No: DECISION ITEMS - D.

I. Subject:

CASE # PZ 15-09 to receive comments and consider approval of Ordinance 582 amending Chapter 17, Article VI, "Zoning", of the code of ordinances of the City of Kennedale, Texas, as amended, by establishing new zoning districts, "Neighborhood Village overlay district" and "Urban Village overlay district," and regulations for same, including regulations on permitted uses, building design, site design, landscaping, and signs.

1. Staff presentation
2. Public hearing
3. Staff response and summary
4. Action by the City Council

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: adopt regulations for mixed-uses districts identified as Neighborhood Village and Urban Village in the future land use plan

Recommendation from the Planning & Zoning Commission: approve

Recommendation from city staff: approve

NOTE: This ordinance does not change the zoning of any property.

Background.

The Planning & Zoning Commission has been discussing the overlay ordinances for the Neighborhood Village and Urban Village character districts for a number of months (character districts are areas identified in the comprehensive land use plan as having a particular character, with each district having characteristics that distinguish it from the other districts). The ordinance under consideration is the result of those discussions. The proposed ordinance does not adopt all of the regulations the Commission had originally considered, since it is not intended to be the final ordinance to regulate the properties within these character districts. Instead, the ordinance would put standards in place for these character districts until the full zoning code update is completed. The ordinance will likely be revised when the full code update is done.

The Village character districts are intended to provide walkable, mixed-use districts at different scales. The Neighborhood Village district, meant to serve neighborhoods, would be smaller in size, have lower building heights, and will provide space for residents to have goods and services provided in a family-accessible environment. It is envisioned that many visitors to the Neighborhood Village will walk or bike from surrounding neighborhoods, although some visitors will drive, and parking will need to be provided for those visitors.

The Urban Village will be large in scale, have higher building heights, and serve a wider segment of the community, rather than just adjacent neighborhoods. It is envisioned that some people will walk to the Urban Village, but many visitors will drive there and then walk to the various destinations within the district.

Additional Information.

- The ordinance places a lot of emphasis on making development more friendly for pedestrians while also recognizing the auto-oriented nature of many of Kennedale's neighborhoods and the need for adequate parking. The ordinance also requires a build-to zone, rather than a traditional minimum setback regulation. A setback regulation will require a building to be set back a certain distance from the right-of-way but does not typically control where the building is placed on the property beyond the setback line. A build-to zone, on the other hand, establishes a zone within which the front facade of a building must be located. This kind of minimum and maximum setback can be very important in establishing a welcoming environment for pedestrians and is suitable for a mixed-use district.
- The ordinance was drafted based on much discussion with the Commission and on comments from one of our consultants. It will establish new overlay districts but does not change the zoning on any property. The city or property owners would next have to rezone properties in order for the overlay districts to be in effect.
- Please note that the Commission's earlier work on the Village character districts included language requiring a mix of uses for new development in these areas. This component was accidentally omitted from the version the Commission recommended for approval and has been added to the version the Council is considering.
- Several of the images are still being edited. The images you see in the ordinance may be changed before the ordinance is codified.

Action by the Planning & Zoning Commission

The Planning & Zoning Commission considered this ordinance during its meeting in October after holding a public hearing. No one from the public spoke or registered an opinion at the hearing. The Commission recommended approval on the condition that several changes be made. These changes have been made and are part of the document Council is considering for adoption.

Action by the City Council.

After holding a public hearing, the Council may approve, deny, or postpone consideration of the ordinance.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	Ordinance 582 (draft)	Ordinance 582.pdf
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ORDINANCE NO. 582

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 AND AN URBAN VILLAGE 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, 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, 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, the Planning and Zoning Commission of the City of Kennedale, Texas held a public hearing on October 15, 2015, and the City Council of the City of Kennedale, Texas held a public hearing on November 16, 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 Article VI 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 Center Overlay District" to read as follows:

- (a) *Location of overlay district.* The standards contained in this section, in addition to any other applicable regulations, shall govern the development of land and structures in areas identified in the comprehensive land use plan identified as Neighborhood Village.
- (b) *Purpose and character.* The purpose of the Neighborhood Center overlay district is to provide a dense and diverse mix of residences and businesses that serve adjacent and nearby neighborhoods at a neighborhood scale. 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, but each district may include a blend of attached and detached buildings, with shallow or no setbacks and buildings oriented toward the street. The uses and character should have less intensity than the Urban Village overlay district. Fitting the character of surrounding neighborhoods, a Neighborhood Center overlay district should have one- to two-story buildings, although some portion of the district could include three-story buildings if designed appropriately. Frontages may include stoops, porches, storefronts, and arcaded walkways.
- (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, this ordinance 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, and "C-2" General Commercial.

(e) *Mix of uses required.*

- (1) Regardless of the underlying base district, a mix of residential and commercial uses is required for any new development permitted within a Neighborhood Center overlay district. The mix of uses may within the same building or on the same lot, or within the same block if the block is developed as one development. Although a development may include primarily either residential or commercial, a minimum of fifteen (15) percent of the gross floor area of any new development shall be used for the secondary use type, as shown in the table below.

MIXED USE REQUIREMENTS (COMMERCIAL & RESIDENTIAL)		
TYPE OF USE ²	MINIMUM REQUIRED PERCENTAGE OF LAND USE PER USE TYPE ¹	MAXIMUM PERCENTAGE OF PERMITTED LAND USE PER USE TYPE
Residential – any of the following or any combination of the following residential use types	15	85
Residential uses shall be single family attached / townhome or a combination any of the following residential use types. If a combination of residential types is used, the minimum and maximum percentages for the single family attached use still applies.		
Multi-family	0	25
Single family attached, townhome/condo	15	75
Single family detached	0	25
Live/work	0	25
Non-residential	15	85
¹ It is not required that each permitted residential use type be included in the development mix.		
² Residential uses may be single family attached, townhome/condo, single family detached, or multi-family, or any combination thereof. Non-residential uses may be office, retail, restaurant, services, or any combination thereof, as permitted by this ordinance. Live/work units are also permitted as a maximum of 25% of the gross floor		

area of a development.

- (2) For new residential development on lots of record smaller than two (2) acres in size, a development will be considered mixed use under the following conditions:
- a. if the new development is adjacent to an existing commercial development that complies with this ordinance; and
 - b. if the new development and existing development have both pedestrian and vehicular connections that allow access between the residential and the commercial development without entering a public street; and
 - c. the existing commercial development and the new residential development have complementary site designs so that both the residential and commercial components appear to be part of the same development.
 - d. Site plans for residential-only development shall be permitted only with approval from the zoning administrator upon a recommendation from the director of development and the building official.

- (f) *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. A frontage street may be a primary or secondary street.

Live/work or Live/work unit means a use that provides space for a commercial use on the ground floor and provides residences on the upper floor(s) in the same structure, or to the side or in back of the office/retail component, provided that the residential and non-residential spaces are attached and have internal access. The same tenant shall occupy both the non-residential and residential space in a live/work structure; no portion of the live/work unit may be rented or sold separately. Live/work units are designed for multiple uses and should be designed to include adequate soundproofing and safety measures between residential and non-residential uses. The primary use of a live/work unit is non-residential, and live/work units shall not be designed or built with the residential use as the primary use. Residential use shall be prohibited on the ground floor, and residential use is prohibited when the non-residential use is not occupied. Outside storage is prohibited for live/work units except as otherwise permitted by city code for residential uses.

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

Primary entrance means the main point of access into 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 patrons or other pedestrians into a building.

Primary street means a street and its frontage designed to higher standards for pedestrian-oriented design and access, ensuring that the relationship between buildings, the pedestrian realm, and the street enforces 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. The streets identified here as primary streets can instead be classified 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; *and*
- b. Streets interior to a development will be built and classified as primary streets in terms of this code; *and*
- c. 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 shall be defined as a solid fence or wall as described under *Screening (device)* under Section 17-431, “Definitions,” of Kennedale city code.

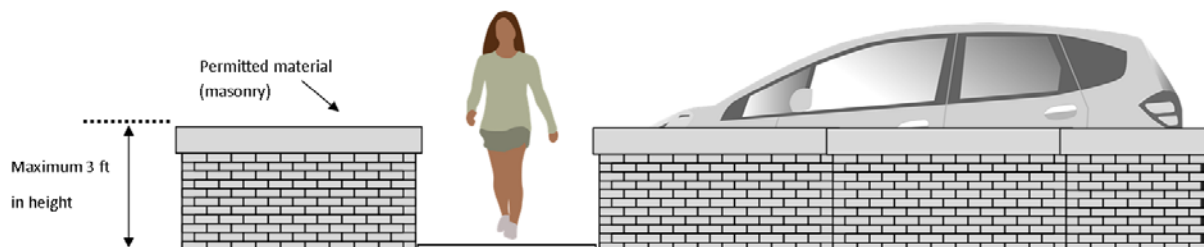


Illustration of a screening wall for a parking lot.

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

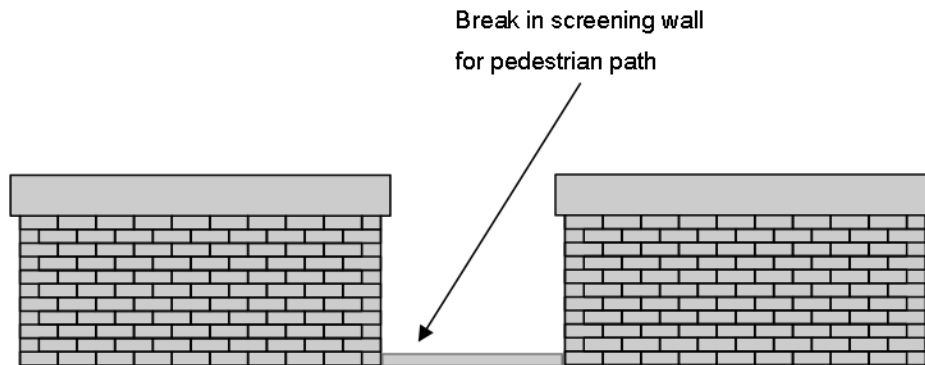


Illustration of break in screening wall.

(g) *Building placement and height regulations.*

Setbacks for the Neighborhood Center overlay district shall be as set forth in the following table. Setbacks shall conform to a “build-to” zone established through minimum and maximum setbacks. The “build-to zone” shall be the area from the “build-to line” (the minimum setback line) and the maximum setback. At least eighty (80) percent of the front façade of a building shall be located within the front build-to zone.

Conforming residential uses in existence or permitted for construction on or before the date this ordinance is adopted shall be considered conforming in terms of setbacks after this ordinance is adopted as long as the structure remains in use as a residence and as the primary use on the property.

	Front (in feet)		Side (in feet)		Rear (in feet)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Residential	10	25	10	15	Per underlying base district	n/a
Residential corner lot	20	35	20, or as specified by Public Works design manual	n/a	Per underlying base district	n/a

Non-residential	10	25 ³	8 ¹	n/a ¹	10 ^{1, 2}	20 ²
Non-residential corner lot	10	35 ³	As specified by Public Works design manual ^{1, 2}	30, unless otherwise specified by Public Works design manual ²	10 ^{1, 2}	20 ²
Additional requirements: (a) No structures are permitted within the 100-year floodplain. (b) Accessory structures shall have a minimum front setback of ten feet (10') from the rear elevation of the primary structure. Side and rear setbacks shall be the same as for primary structures. (c) When a new building is intended to house a mix of residential and commercial uses, the setbacks shall follow the requirements for the non-residential use.						
¹ 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 property line abutting an existing residential use not located within the overlay district, where the use was in existence prior to adoption of this district. ² Additional setbacks may be required to accommodate fire lanes, easements, or other requirements. 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. ³ The zoning administrator is authorized to permit an additional five (5) feet, as needed and if requested in writing by the developer, in order to accommodate outdoor seating or dining areas.						

Building Height	
Minimum height	Maximum height
As specified in building code for 1-story buildings	2* (stories)
	35 (feet)
	* A height of 3 stories (50 feet) may be permitted through a conditional use permit, provided, however, that no 3-story building may be built adjacent to a lot with a residential structure existing prior to the date this code is adopted.

(h) *Lot size and lot coverage.*

Lot Size

	Minimum	Maximum
Residential	5,000	15,000
Non-residential	10,000	35,000

Maximum Lot Coverage	
Residential	For lots less than 8,000 square feet: no maximum except the amount required to meet landscaping, parking, and other site requirements Maximum 80% lot coverage for lots between 8,000 and 15,000 square feet
Non-residential	No maximum except the amount required to meet landscaping, parking, and other site requirements

(i) *Parking regulations.*

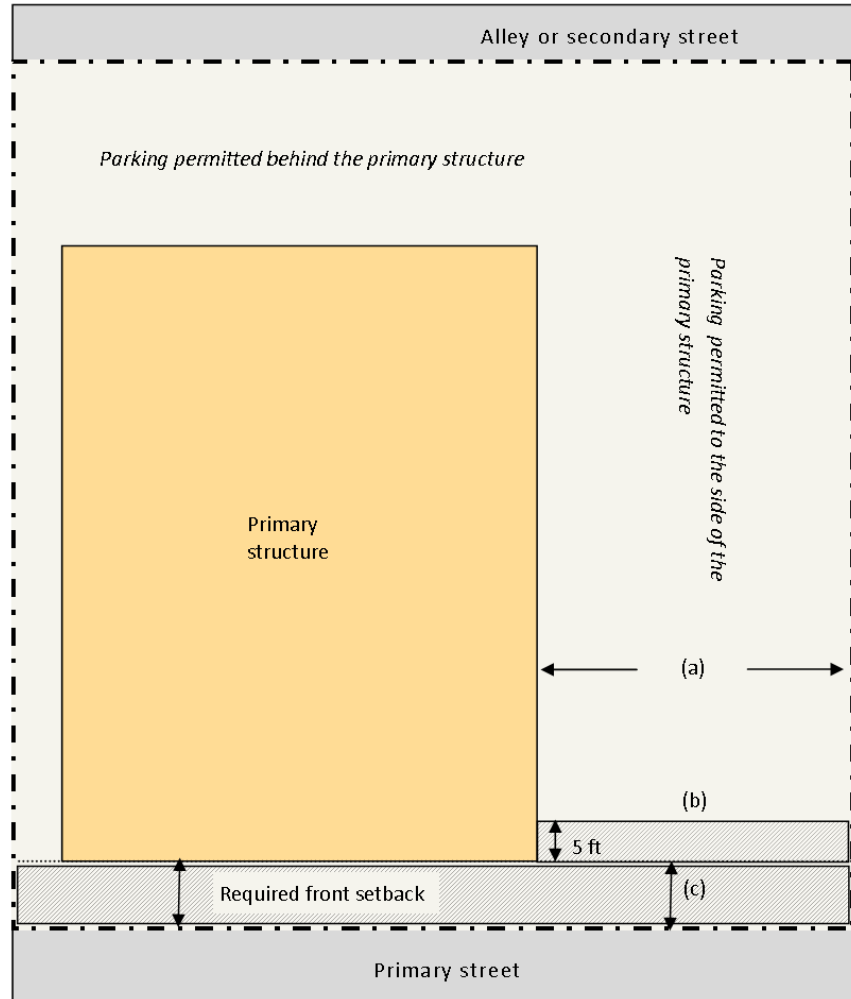
- (1) All off-street parking created after the date this ordinance is adopted shall be located behind the main structure or to the side of the main structure. No off-street parking shall be permitted in front of the primary structure unless located within the public right-of-way (on-street parking). Parking located in the right-of-way shall not be permitted when it obstructs the flow of traffic on the street or creates a traffic hazard or is otherwise prohibited by city regulations. Parking in the right-of-way shall not count toward the required minimum off-street parking amount unless approved by the City as part of a site plan.

(2) *Parking 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-five (45) 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) percent 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.



- (a) 45 ft maximum allowed width for parking row and aisle
- (b) Side parking shall be set back at least 5 ft behind front façade of the primary structure
- (c) Side parking is not permitted within the minimum front setback (between the build-to line and the right-of-way)

- b. **Residential uses.** Off-street parking requirements shall be in accordance with the parking schedule found in section 17-421 and 17-424 hereof where not otherwise controlled by this section.

- i. Parking to the side of the primary structure is permitted for multi-family residential uses only. If off-street parking is constructed to the side of the primary structure, no more than forty (40%) of the frontage of the lot shall be used for off-street parking.
- ii. For single family (attached and detached) and townhome or condo uses, parking spaces for at least two (2) motor vehicles shall be provided in an enclosed garage for any dwelling constructed after the date of adoption of this section.
- iii. 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 or is located at least eight (80) feet from the front property line and located entirely behind the primary 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.
- iv. 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.
- v. A J-swing garage or side-entry garage is not permitted unless located entirely behind the rear elevation of the primary structure.

(3) *Number of parking spaces.*

- a. *Minimum.* For each permissible use in a Neighborhood Center overlay district, all off-street parking shall be regulated in accordance with the table below.

Use Type	Minimum Number of Spaces Required
<i>Non-residential</i>	
Retail or medical / dental office	1 per 250 square feet of gross building area
Restaurant	1 space per 125 square feet of gross building area
Office (except medical or dental)	1 per 300 square feet of gross building area
<i>Residential</i>	

Single family (attached or detached, townhome/condo)	2 off-street spaces per unit OR 1 off-street space and 1 on-street space per unit (on-street parking must be provided within 100 feet of the primary structure) ¹
Multi family	1.5 per unit
<i>Live/work</i>	1.25 per unit of residential <i>and</i> 1 per 250 square feet of non-residential building area (gross)
¹ For each single-family (attached or detached) or live-work structure, an enclosed garage behind the primary structure shall be provided to accommodate at least the minimum required off-street parking spaces. Off-street parking for multi-family uses may be a mix of covered and uncovered parking, but all such parking shall be located behind the residential structures and screened according to the requirements of this code for parking and auto-oriented uses.	

- b. *Parking provided above the minimum requirements.* All parking provided in excess of the minimum required by city code shall be located behind the primary structure.
 - c. *Lot area for off-street parking.* The area used for off-street parking may not exceed fifty (50) percent 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 functioning primarily as drive lanes to reach the rear of the lot rather than as parking lanes (such as drive lanes along parking to the side of the structure), 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 shall be provided, as needed, to accommodate pedestrian and cyclist connections across properties (if such connections are provided). Screening shall be maintained in good condition at all times. A break in the screening wall wide enough to accommodate both pedestrians and cyclists will be permitted 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 copy of the filing document from the County Clerk shall be submitted to the City before a certificate of occupancy will be issued to any use requesting shared parking. 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 entrance to the primary structure for each use. The Administrator is not required to approve a reduction in the required number of parking spaces.

- (6) *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 five (5) percent of the number of spaces provided for car parking. If fewer than one (1) space would be provided under this percentage, a minimum of one (1) bicycle parking space is required.
 - 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 pedestrian entrance of the building it serves and may be located between the street curb and the building (within the sidewalk area), subject to the approval of the Director of Development. 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 a hundred (100) feet of the primary entry for the primary structure for each use.
- (j) *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.
- (k) *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 on all floors.
- (2) For non-residential uses, ground floor glazing on the primary facade shall have a maximum sill height of four (4) feet.
- (l) *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) Drive-through lanes or other auto-oriented site elements, where permitted under Section 17-421 of the Kennedale City Code, shall not be located with frontage along any primary street. Auto-oriented site elements shall be hidden behind a three (3) high street screen along all other frontages (see illustration below). The street screen shall be made up of (i) a living screen or (ii) a combination living and primary building material screen (see Section 17-425 of the Kennedale City Code and sub-section (n) of this ordinance for details).
- (2) Access to drive-throughs from a primary street. Drive-throughs accessed from primary streets is prohibited in the Neighborhood Center overlay district. If access to a secondary street is not available at the time a lot of record is developed, then a drive-through may be accessed from a primary street on a temporary basis until one of the following is made available:
- access to a secondary street by means of a cross-access easement across the rear or side of the property and an adjacent property with access to a secondary street; or
 - a rear shared driveway that provides access to a secondary street; or

- c. access to a secondary street by means of a rear access alley connecting the property to an adjacent property or properties with access to a secondary street.

Site design must allow for a transition to rear access for drive-throughs, including but not limited to dedication of cross-access easements prior to development.

- (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. Any use permitted with a conditional use permit shall be required to be screened as required by this section.

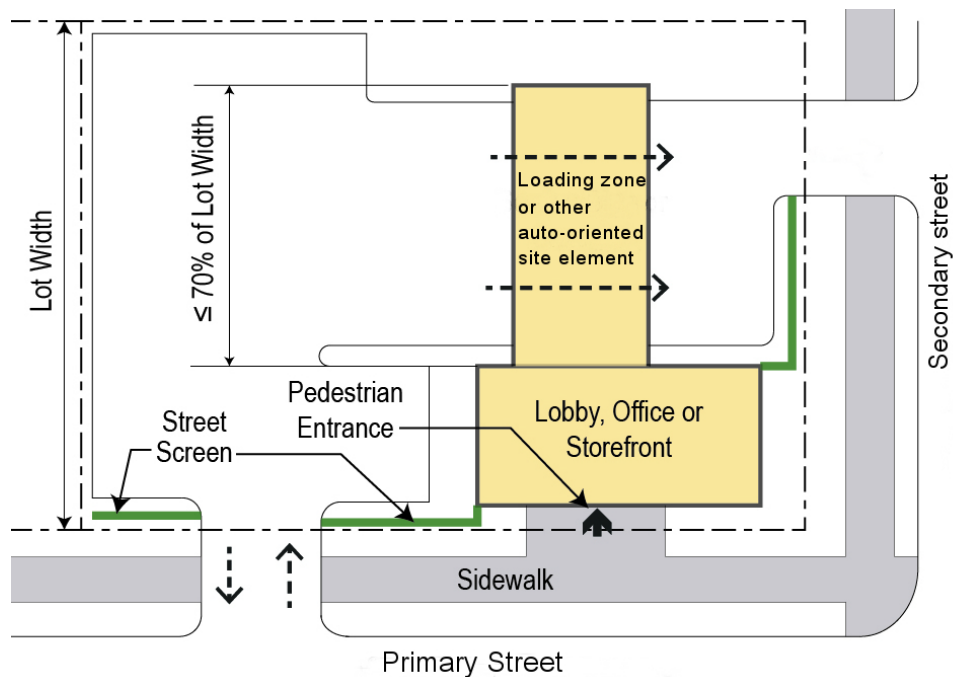


Illustration: Image illustrating the appropriate design of auto-related site elements (e.g., loading zones, bank drive-throughs)

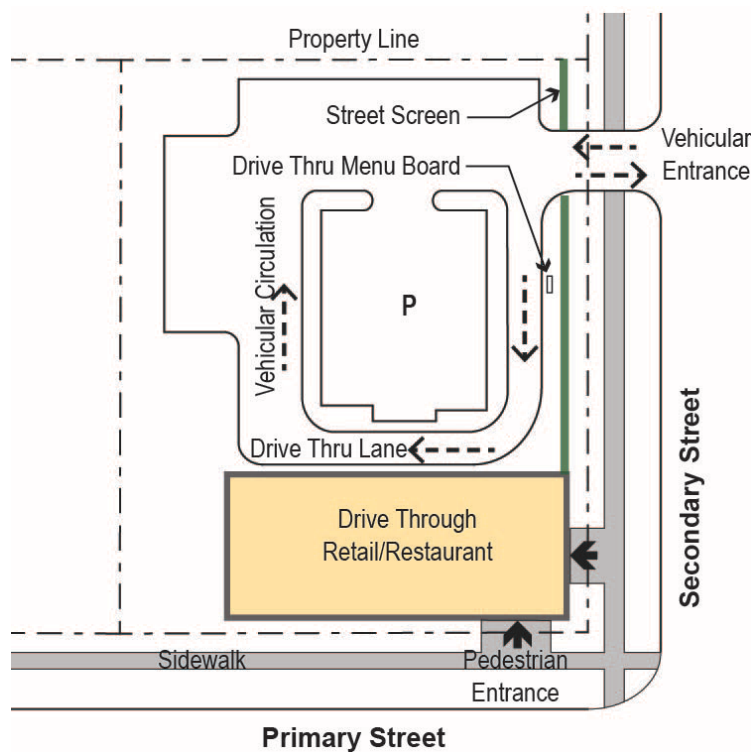


Illustration of the appropriate design of retail/restaurant drive-throughs (Corner Lot)

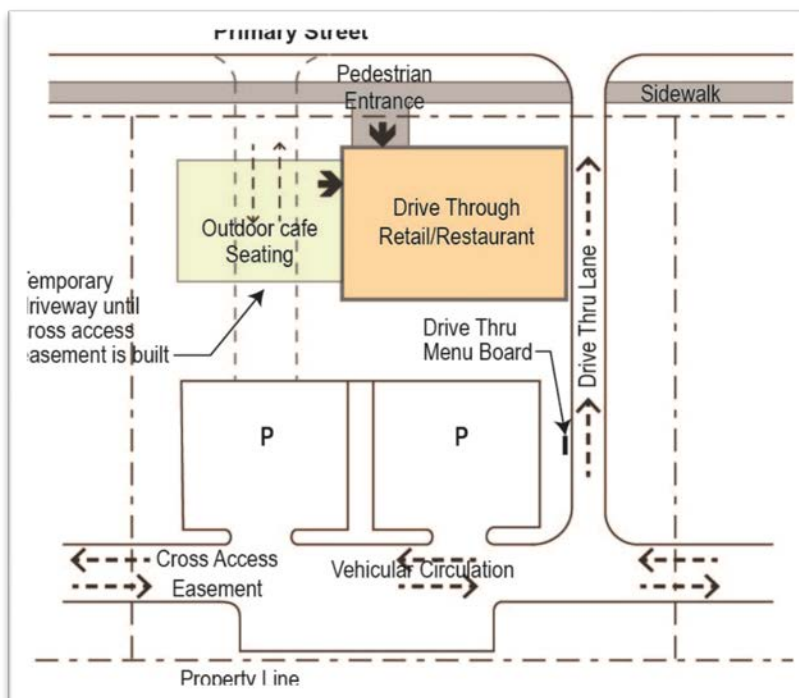


Illustration of the appropriate design of retail/restaurant drive-throughs (Interior Lot)

- (m) *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.
- (n) *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. *Screening of garbage, refuse, and trash collection/storage areas.*
 - i. 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 be stored at least one (1) foot below the screening provided.
 - ii. The fourth side shall be screened by a gate. The gate shall be made of wrought iron or architectural metal.
 - iii. The masonry used must be of the same material as the primary building.
 - iv. Trash collection/storage areas or dumpsters shall be located behind the primary structure but shall not be placed within thirty-five (35) feet of a residential use existing prior to the construction of a building intended for commercial use.
 - b. *Screening of parking lots.*
 - i. Screening for parking lots shall be at least three (3) feet in height.
 - ii. If requirements for maintaining a sight triangle do not permit a minimum of three (3) feet, screening must be the maximum height allowed by the sight triangle.
 - iii. Permitted materials for screening shall be masonry, a combination of masonry and wrought iron, or a combination of masonry and vegetation.
 - iv. If vegetation is used, no more than fifty (50) percent of the screening shall be made of vegetation. Vegetation must be evergreen and maintained in good condition at all time.
- (o) *Reserved.*

- (p) *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.
- (q) *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.
- (r) *Sidewalks.* Notwithstanding the requirements of Sec. 17-243, sidewalks within this district shall be a minimum of six feet (6') in width. Where sidewalks are located next to the curb along a parkway or boulevard (as designated in the Future Transportation Plan), the minimum sidewalk width shall be eight feet (8'). Site plans must demonstrate how the conflict between sidewalk traffic and drive approach traffic will be minimized with the least impact to pedestrians.
- (s) *Landscaping.* Landscaping shall be in accordance with Chapter 17, Article VIII Landscape Standards of the Kennedale City Code except where otherwise required below.
 - (1) Requirements for single family residential districts shall apply to single family residential (attached or detached), except that no part of any required front yard for single family residential uses shall be paved, drip irrigation is required for all landscaping, and artificial turf shall be prohibited.
 - (2) All other uses shall comply with the requirements in Chapter 17, Article VIII, Landscape Standards of the Kennedale City Code, except the Zoning Administrator may substitute the requirements in Chapter 17, Article VIII, Landscape Standards of the Kennedale City Code in lieu of one of the following - public park, courtyard, or public plaza that have:
 - a. a combination of at least three of the following amenities: seating, water feature, landscaping, decorative paving or patterned concrete paving, sculptures and/ or other public art; *and*
 - b. minimum five hundred (500) square feet in size or twenty five (25) percent of the total property square feet, whichever is greater, with public access and visibility from the street.
 - (3) Street trees.
 - a. Street trees are required along roadways classified as primary streets. One (1) street tree is required a minimum of every twenty feet (20') and a maximum of thirty feet (30'), center to center, on average, but can vary to accommodate signage, topography, or other site conditions, or if tree species used need additional spacing. If additional spacing beyond 40' is

needed, the spacing shall be requested, in writing, and is subject to approval by the City.

- b. The minimum vertical clearance for tree branches shall be eight feet (8') above the sidewalk and at least thirteen feet (13') from the top of the curb. If necessary to preserve safe or convenient passage for pedestrians along sidewalks, street trees may be planted in curb extensions between on-street parking bays.
- c. No tree shall be planted within twenty feet (20') of an intersection or within ten feet (10') of a fire hydrant (unless otherwise approved, in writing, by the fire chief), or within five feet (5) of underground utilities or a driveway (unless otherwise approved, in writing, by the public works director). It shall be unlawful for any person, owner, or business to erect or place or cause to be erected or placed on any property under his possession or control any hedge, plant, tree, shrub, or other growth or any fence, wall, or other structure in such a manner or at such location as to constitute an obstruction to view creating a traffic hazard.

(t) *Topography protection.*

In addition to any requirements for mass grading in the Kennedale City Code, applications for a grading permit or request for site grading in a Neighborhood Center Overlay district shall be subject to the following regulations.

- (1) Mass grading operations shall be conducted so as to expose the smallest practical area of soil.
- (2) The proposal shall contain reasonable provisions for the preservation of natural land and water features, vegetation, drainage and other indigenous natural features of the site.
- (3) The grading shall not create or contribute to flooding, erosion, or increased turbidity, siltation or other forms of pollution in a watercourse.
- (4) The grading shall be undertaken in such a manner as to preserve and enhance the district's aesthetic character. Vegetative screens or buffer strips shall be maintained or reestablished in a timely manner with approved plantings consistent with this Code.
- (5) Development shall be initiated or a vegetative screen or buffer established within twelve months of the date of initiation of mass grading or clearing activities.

- (6) Mass grading shall not occur on land greater than ten acres.
 - (7) Mass grading shall not occur thirty feet beyond the building envelope.
 - (8) Mass grading activities shall be done in accordance with all applicable federal, state, and local laws, rules, and regulations, including those pertaining to air and water pollution.
- (u) *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) Manufactured 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
- (v) *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 (indoor display only; no outside storage or display and no repairs permitted; all vehicles for rent 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)
 - (2) Bowling Alley
 - (3) Plant Nursery
- (w) *Uses by conditional use permit.* For any use permitted by this section and by Section 17-421, a drive-through shall be permitted only with a conditional use permit.

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.* The standards contained in this section, in addition to any other applicable regulations, shall govern the development of land and structures in areas identified in the comprehensive land use plan identified as Urban Village.
- (b) *Purpose and character.* The purpose of the Urban Village overlay districts is to act as gateways into the "core" of Kennedale and to provide high-intensity nodes of activity with a dense mix of residences and businesses in a walkable environment.

The Urban Village overlay district is similar to the Neighborhood Center overlay district, yet larger and of a higher intensity. Buildings should be attached, multi-story structures oriented toward the street with no setback or shallow setbacks. Similar to the Neighborhood Center districts, frontage types within an Urban Village overlay district may be stoops, porches, storefronts, and arcaded walkways, but with building heights typically ranging from three- to five stories. 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) *Mix of uses required.*
 - (1) Regardless of the underlying based district, a mix of residential and commercial uses is required for any new development permitted within an Urban Village overlay district. The mix of uses may within the same building or on the same lot, or within the same block if the block is developed as one development. Although a development may include primarily either residential or commercial, a minimum of fifteen (15) percent of the gross floor area of any new development shall be used for the secondary use type, as shown in the table below.

MIXED USE REQUIREMENTS (COMMERCIAL & RESIDENTIAL)		
TYPE OF USE ²	MINIMUM REQUIRED PERCENTAGE OF LAND USE PER USE TYPE ¹	MAXIMUM PERCENTAGE OF PERMITTED LAND USE PER USE TYPE
Residential	15	85
Multi-family	0	25
Single family (attached), townhome/condo	15	85
Live/work	0	25
Non-residential	15	85
¹ It is not required that each permitted residential use type be included in the development mix.		
² Residential uses may be single family attached, townhome/condo, or multi-family, or any combination thereof. Non-residential uses may be office, retail, restaurant, services, or any combination thereof, as permitted by this ordinance. Live/work units are also permitted as a maximum of 25% of the gross floor area of a development.		

- (3) For new residential development on lots of record smaller than two (2) acres in size, a development will be considered mixed use under the following conditions:
- if the new development is adjacent to an existing commercial development that complies with this ordinance; and
 - if the new development and existing development have both pedestrian and vehicular connections that allow access between the residential and the commercial development without entering a public street; and
 - the existing commercial development and the new residential development have complementary site designs so that both the residential and commercial components appear to be part of the same development.
 - Site plans for residential-only development shall be permitted only with approval from the zoning administrator upon a recommendation from the director of development and the building official.

- (f) *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.

Live/work or Live/work unit means a use that provides space for a commercial use on the ground floor and provides residences on the upper floor(s) in the same structure, or to the side or in back of the office/retail component, provided that the residential and non-residential spaces are attached and have internal access. The same tenant shall occupy both the non-residential and residential space in a live/work structure; no portion of the live/work unit may be rented or sold separately. Live/work units are designed for multiple uses and should be designed to include adequate soundproofing and safety measures between residential and non-residential uses. The primary use of a live/work unit is non-residential, and live/work units shall not be designed or built with the residential use as the primary use. Residential use shall be prohibited on the ground floor, and residential use is prohibited when the non-residential use is not occupied. Outside storage is prohibited for live/work units except as otherwise permitted by city code for residential uses.

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 patrons or other pedestrians into a building.

Primary street means a street designed to higher standards for pedestrian-oriented building design and access, ensuring that the relationship between buildings, the pedestrian realm, and the street enforces 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 an Urban Village; new streets on the interior of an Urban Village may also be designated as primary streets. The streets identified here as primary streets can instead be classified 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; *and*
- b. Streets interior to a development will be built and classified as primary street in terms of this code; *and*
- c. 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 shall be defined as a solid fence or wall as described under *Screening (device)* under Section 17-431, “Definitions,” of Kennedale city code.

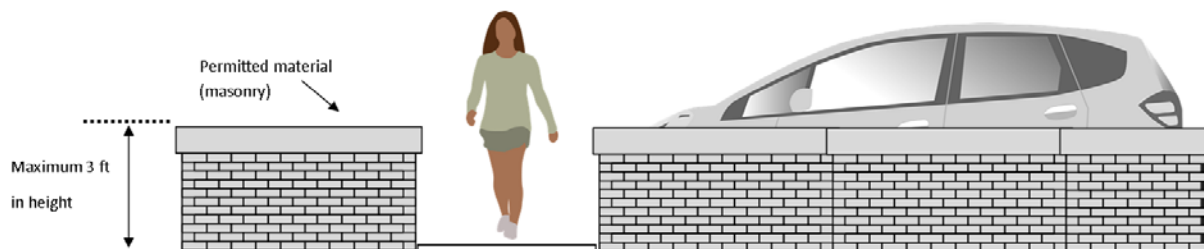


Illustration of screening wall for a parking lot.

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

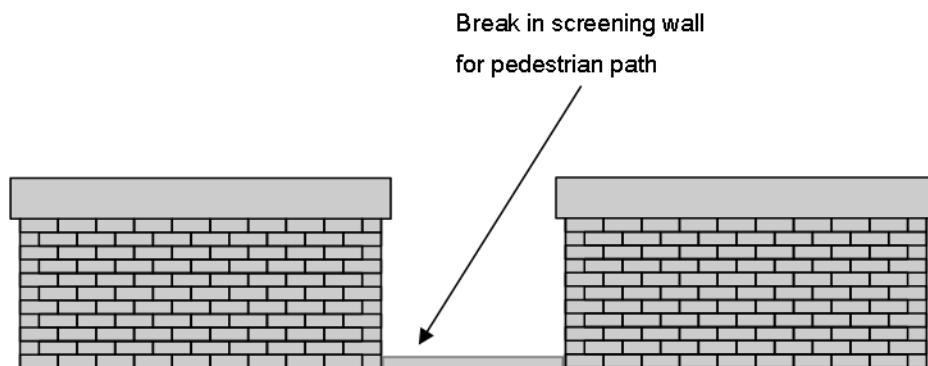


Illustration of break in screening wall.

- (g) *Building placement and height regulations.* Setbacks for the Urban Village Overlay district shall be as set forth in the following table. Setbacks shall conform to a “build-to” zone established through minimum and maximum setbacks. The “build-to zone” shall be the area from the “build-to line” (the minimum setback line) and the

maximum setback. At least eighty (80) percent of the front façade of a building shall be located within the front build-to zone.

Conforming residential uses in existence or permitted for construction on or before the date this ordinance is adopted 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	15	10	15	15 ¹	n/a
Residential corner lot	10	25	10, or as specified by Public Works design manual	40	15 ¹	n/a
Non-residential	10	15 ³	10 ¹	n/a ¹	10 ^{1, 2}	20 ²
Non-residential corner lot	10	25 ³	10, or as specified by Public Works design manual ^{1, 2} (whichever is greater)	45, unless otherwise specified by Public Works design manual ²	10 ^{1, 2}	20 ^{1, 2}

Additional requirements:

(a) No structures are permitted within the 100-year floodplain.

(b) Accessory structures shall have a minimum front setback of ten feet (10') from the rear elevation of the primary structure. Side and rear setbacks shall be the same as for primary structures.

(c) When a new building is intended to house a mix of residential and commercial uses, the setbacks shall follow the requirements for the non-residential use.

¹ 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.

² Additional setback may be required to accommodate fire lanes, easements, or other site requirements. 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.

³ The zoning administrator is authorized to permit an additional five (5) feet, as needed and if requested in writing, in order to accommodate outdoor seating or dining areas.

Building Height	
Minimum height	Maximum height
As specified in building code for 1-story buildings	3* (stories)
	50 (feet)
	* A height of 4 stories (65 feet) may be permitted through a conditional use permit, provided, however, that no 4-story building may be built adjacent to a lot with a residential structure existing prior to the date this code is adopted.

(h) *Lot size and lot coverage.*

Lot Size		
	Minimum	Maximum
Residential	5,000	15,000
Non-residential	5,000	40,000

Maximum Lot Coverage	
Residential	For lots smaller than 8,000 square feet: no maximum except the amount required to meet landscaping, parking, and other site requirements Maximum 80% lot coverage for lots between 8,000 and 15,000 square feet
Non-residential	No maximum except the amount required to meet landscaping, parking, and other site requirements

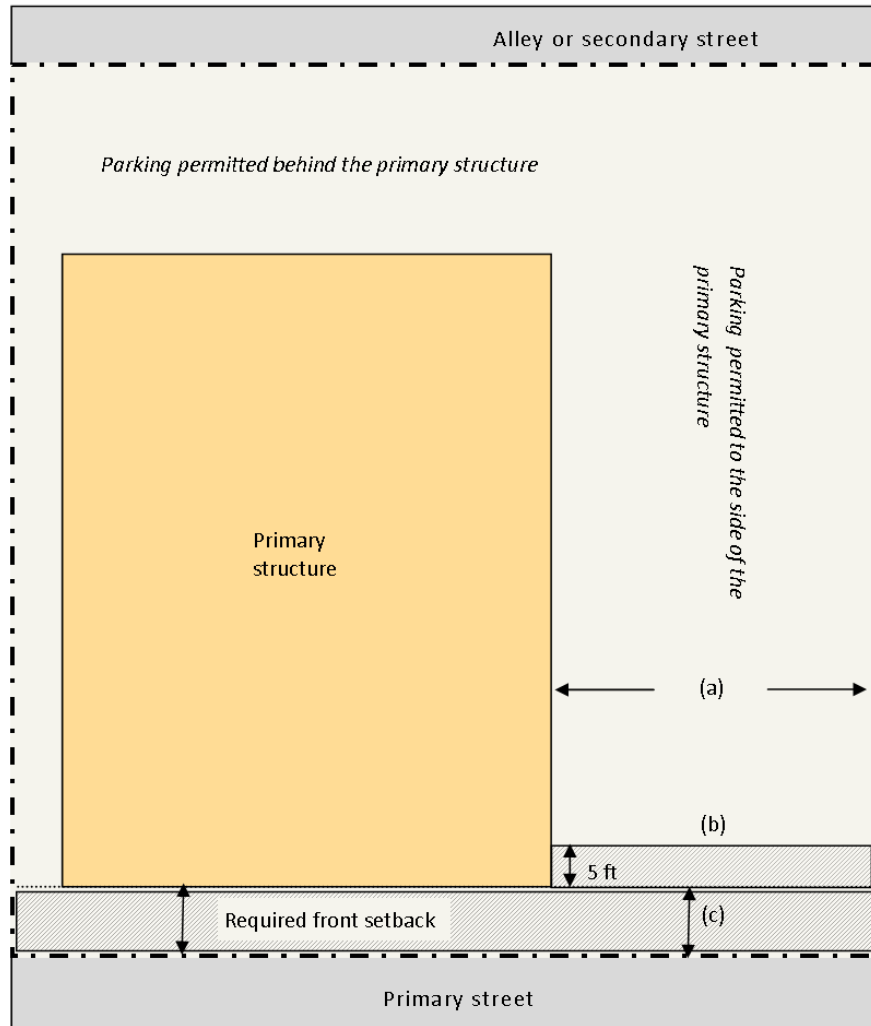
(i) *Parking regulations.*

- (1) All off-street parking created after the date this ordinance is adopted 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 unless located within the public right-of-way. Parking located in the right-of-way shall not be permitted when it obstructs the flow of traffic on the street or creates a traffic hazard or is otherwise prohibited by city regulations. Parking in the right-of-way shall not count toward the required minimum off-street parking amount unless approved by the City as part of a site plan

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

- i. *Non-residential uses.* If off-street parking is constructed to the side of the primary structure, no more than forty-five (45) 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) percent 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.



- (a) 45 ft maximum allowed width for parking row and aisle
- (b) Side parking shall be set back at least 5 ft behind front façade of the primary structure
- (c) Side parking is not permitted within the minimum front setback (between the build-to line and the right-of-way)

b. Residential uses.

Off-street parking requirements shall be in accordance with the parking schedule found in section 17-421 and 17-424 hereof where not otherwise controlled by this section.

- i. Parking to the side of the primary structure is permitted for multi-family residential uses only. If off-street parking is constructed to the side of the primary structure, no more than forty percent (40%) of the frontage of the lot shall be used for off-street parking.
- ii. For single family (attached) and townhome or condo uses, parking spaces for at least two (2) motor vehicles shall be provided in an

enclosed garage for any dwelling constructed after the date of adoption of this section.

- iii. 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 or is located at least eight (80) feet from the front property line and located entirely behind the primary 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.
- iv. 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.
- v. Regardless of the orientation of the garage, any garage shall be located behind rear façade of the primary structure.

(3) *Number of parking spaces.*

- a. Minimum. For each permissible use in an Urban Village overlay district, all off-street parking shall be regulated in accordance with the table below.

Use Type	Minimum Number of Spaces Required
<i>Non-residential</i>	
Retail, medical / dental office	1 per 300 square feet of gross building area
Restaurant	1 space per 125 square feet of gross building area
Office (except medical or dental)	1 per 400 square feet of gross building area
<i>Residential</i>	
Single family (attached)	2 off-street spaces per unit OR 1 off-street space and 1 on-street space per unit (on-street parking must be provided within 200 feet of the primary structure) ¹
Multi family	1.5 per unit
<i>Live/work</i>	1.25 per unit of residential <i>and</i> 1 per 300 square feet of non-residential building area (gross)

¹ For each single-family (attached) or live-work structure, an enclosed garage behind the primary structure shall be provided to accommodate at least the minimum required off-street parking spaces. Off-street parking for multi-family uses may be a mix of covered and uncovered parking, but all such parking shall be located behind the residential structures and screened according to the requirements of this code for parking and auto-oriented elements.

- b. *Parking provided above the minimum requirements.* All parking provided in excess of the minimum required by city code shall be located behind the primary structure.
 - c. *Lot area for off-street parking.* The area used for off-street parking may not exceed fifty (50) percent 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 functioning primarily as drive lanes to reach the rear of the lot rather than as parking lanes (such as drive lanes along parking to the side of the structure), 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 such connections are 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 copy of the filing document from the County Clerk shall be submitted to the City before a certificate of occupancy will be issued to any use requesting shared parking. 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) *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 five (5) percent of the number of spaces provided for car parking. If fewer than one (1) space would be provided under this percentage, a minimum of one (1) bicycle parking space is required.
 - 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).
 - i. *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 Director of Development. 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.
 - ii. *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 a hundred (100) feet of the primary entry for the primary structure for each use.

(j) *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.

(k) *Glazing requirements.*

- (1) For any primary structure, a minimum of twenty (20) percent and a maximum of sixty (60) percent of the primary façade shall have glazing. At least one other façade shall have a minimum of twenty (20) percent glazing on all floors.
- (2) For non-residential uses, ground floor glazing on the primary facade shall have a maximum sill height of four (4) feet.

(l) *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) 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 three (3) foot high street screen along all other frontages (see illustration below). The street screen shall be made up of (i) a living screen or (ii) a combination living and primary building material screen (see Section 17-425 of the Kennedale City Code and sub-section (n) of this ordinance for details).
- (2) Access to drive-throughs from a primary street. Drive-throughs accessed from primary streets is prohibited in the Urban Village overlay district. If access to a secondary street is not available at the time a lot of record is developed, then a drive-through may be accessed from a primary street on a temporary basis until one of the following is made available:
 - a. access to a secondary street by means of a cross-access easement across the rear of the property and an adjacent property with access to a secondary street; or
 - b. a rear shared driveway that provides access to a secondary street; or
 - c. access to a secondary street by means of a rear access alley connecting the property to an adjacent property or properties with access to a secondary street.

Site design must allow for a transition to rear access for drive-throughs, including but not limited to dedication of cross-access easements prior to development.

- (3) No more than seventy (70) percent 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. Any use permitted with a conditional use permit shall be required to be screened as required by this section.

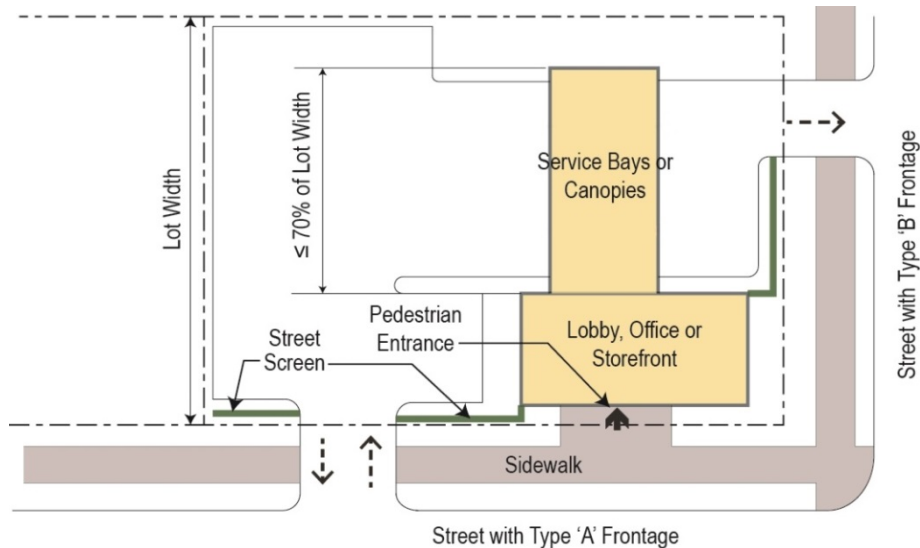


Illustration: Image illustrating the appropriate design of auto-related site elements

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

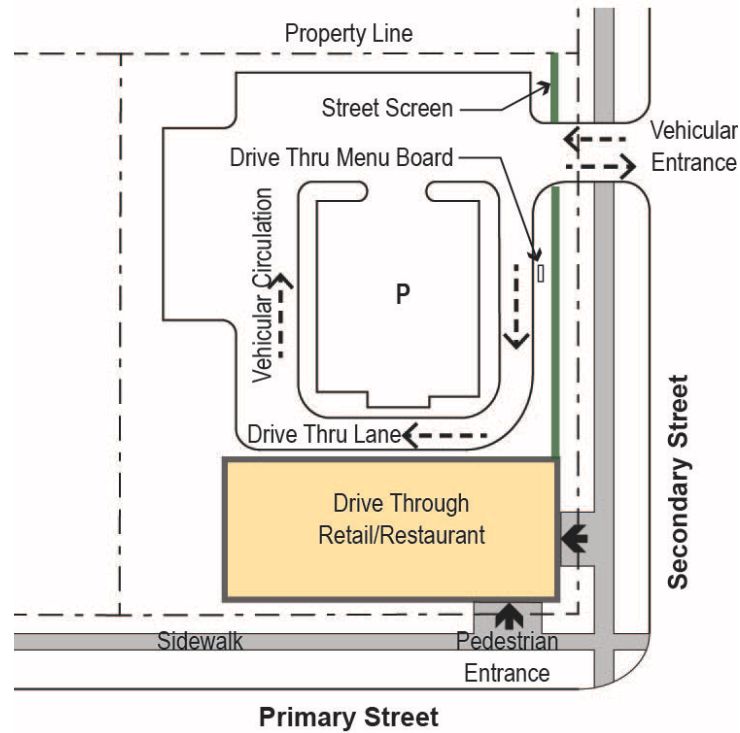


Illustration of the appropriate design of retail/restaurant drive-throughs (Corner Lot)

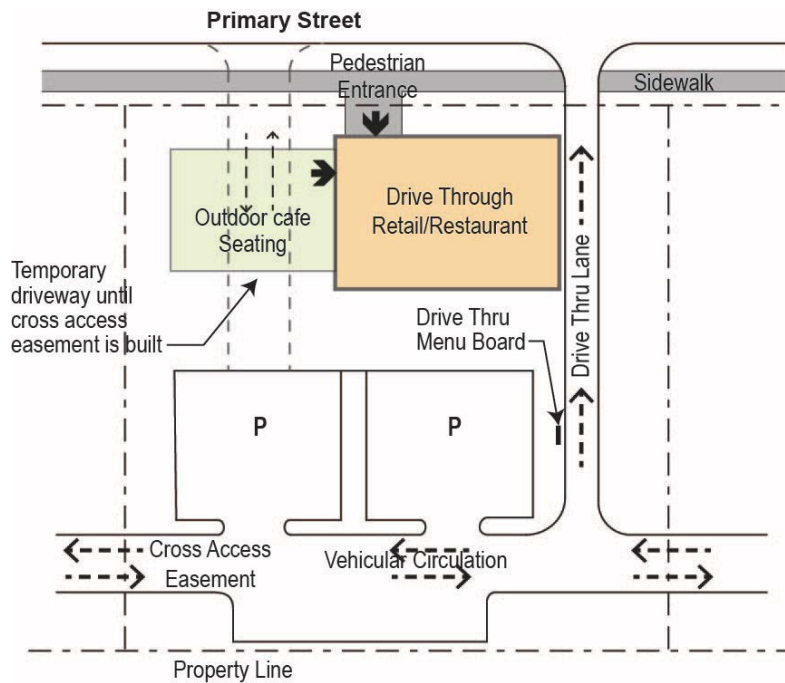


Illustration of the appropriate design of retail/restaurant drive-throughs (Interior Lot)

- (m) *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.
- (n) *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. *Screening of garbage, refuse, and trash collection/storage areas.*
 - i. 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 be stored at least one (1) foot below the screening provided.
 - ii. The fourth side shall be screened by a gate. The gate shall be made of wrought iron or architectural metal.
 - iii. The masonry used must be of the same material as the primary building.
 - iv. Trash collection/storage areas or dumpsters shall be located behind the primary structure but shall not be placed within thirty-five (35) feet of a residential use existing prior to the construction of a building intended for commercial use.
 - b. *Screening of parking lots.*
 - i. Screening for parking lots shall be at least three (3) feet in height.
 - ii. If requirements for maintaining a sight triangle do not permit a minimum of three (3) feet, screening must be the maximum height allowed by the sight triangle.
 - iii. Permitted materials for screening shall be masonry, a combination of masonry and wrought iron, or a combination of masonry and vegetation.
 - iv. If vegetation is used, no more than fifty (50) percent of the screening shall be made of vegetation. Vegetation must be evergreen and maintained in good condition at all time.
- (o) *Reserved.*

- (p) *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.
- (q) *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.
- (r) *Sidewalks.* Notwithstanding the requirements of Sec. 17-243, sidewalks within this district shall be a minimum of six feet (6'). Where sidewalks are located next to the curb along a parkway or boulevard (as shown in the future transportation plan), minimum sidewalk width shall be eight feet (8'). Site plans must demonstrate how the conflict between sidewalk traffic and drive approach traffic will be minimized with the least impact to pedestrians.
- (s) *Landscaping.* Landscaping shall be in accordance with Chapter 17. Article VIII. Landscape Standards of the Kennedale Code of Ordinances except where otherwise required below.
 - (1) Requirements for single family residential districts shall apply to single family residential (detached), except that no part of any required front yard for single family residential uses shall be paved, drip irrigation is required for all landscaping, and artificial turf shall be prohibited.
 - (2) All other uses shall comply with the requirements in Chapter 17, Article VIII, Landscape Standards of the Kennedale City Code, except the Zoning Administrator may substitute the requirements in Chapter 17, Article VIII, Landscape Standards of the Kennedale City Code in lieu of one of the following - public park, courtyard, or public plaza that have:
 - a. a combination of at least three of the following amenities: seating, water feature, landscaping, decorative paving or patterned concrete paving, sculptures and/ or other public art; *and*
 - b. minimum five hundred (500) square feet in size or twenty five (25) percent of the total property square feet, whichever is greater, with public access and visibility from the street.
 - (3) Street trees.
 - a. Street trees are required along roadways classified as primary streets. One (1) street tree is required a minimum of every twenty feet (20') and a maximum of thirty feet (30'), center to center, on average, but can vary to accommodate signage, topography, or other site conditions, or if tree

species used need additional spacing. If additional spacing beyond forty feet (40') is needed, the spacing shall be requested, in writing, and is subject to approval by the City.

- b. The minimum vertical clearance for tree branches shall be eight feet (8') above the sidewalk and at least thirteen feet (13') from the top of the curb. If necessary to preserve safe or convenient passage for pedestrians along sidewalks, street trees may be planted in curb extensions between on-street parking bays.
- c. No tree shall be planted within twenty (20) feet of an intersection or within ten (10) feet of a fire hydrant (unless otherwise approved, in writing, by the fire chief), or within five (5) feet of underground utilities or a driveway (unless otherwise approved, in writing, by the public works director). It shall be unlawful for any person, owner, or business to erect or place or cause to be erected or placed on any property under his possession or control any hedge, plant, tree, shrub, or other growth or any fence, wall, or other structure in such a manner or at such location as to constitute an obstruction to view creating a traffic hazard.

(t) *Topography protection.*

In addition to any requirements for mass grading in the Kennedale City Code, applications for a grading permit in an Urban Village overlay district shall be subject to the following regulations.

- (1) Mass grading operations shall be conducted so as to expose the smallest practical area of soil.
- (2) The proposal shall contain reasonable provisions for the preservation of natural land and water features, vegetation, drainage and other indigenous natural features of the site.
- (3) The grading shall not create or contribute to flooding, erosion, or increased turbidity, siltation or other forms of pollution in a watercourse.
- (4) The grading shall be undertaken in such a manner as to preserve and enhance the district's aesthetic character. Vegetative screens or buffer strips shall be maintained or reestablished in a timely manner with approved plantings consistent with this Code.
- (5) Development shall be initiated or a vegetative screen or buffer established within twelve months of the date of initiation of mass grading or clearing activities.

- (6) Mass grading shall not occur on land greater than ten acres.
 - (7) Mass grading shall not occur thirty feet beyond the building envelope.
 - (8) Mass grading activities shall be done in accordance with all applicable federal, state, and local laws, rules, and regulations, including those pertaining to air and water pollution.
- (u) *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 Parts Store
 - (3) Auto Sales Lot
 - (4) Boat Sales
 - (5) Boat Storage
 - (6) Building materials establishment with outside storage
 - (7) Cabinet Shop
 - (8) Car Wash
 - (9) Contractor Yard
 - (10) Farm Implement Sales
 - (11) Golf Course
 - (12) Gun Shooting Range
 - (13) Gunsmith Shop
 - (14) Heavy Equipment Sales
 - (15) Lumber Yard
 - (16) Manufactured Homes Sales Lot
 - (17) Mini-Warehouse
 - (18) Movie Theater, drive-in
 - (19) Nightclub or Dance Hall
 - (20) Paintball Sports, Survival Games
 - (21) Parking Lot, Commercial (for a fee)
 - (22) Pawnshop
 - (23) Private Club
 - (24) Recreational Vehicle Sales
 - (25) Service Station
 - (26) Sexually Oriented Business

- (27) Taxidermist
 - (28) Tool & equipment rental
 - (29) Trailer sales & rental
 - (30) Truck rental
 - (31) Truck repair
 - (32) Truck sales
 - (33) Truck wash
 - (34) Vehicular racing facility
- (u) *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 with outside sales, storage, or display
- (v) *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.
- (1) Large Retail Facility
 - (2) Auto Repair
 - (3) Auto Paint & Body Shop
 - (4) Restaurant, Drive-In
 - (5) Any other permitted non-residential use with drive-through.

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 16th DAY OF November 2015.

ATTEST:

APPROVE:

City Secretary, Leslie Galloway

Mayor, Brian Johnson

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne Olson

Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: DECISION ITEMS - E.

I. Subject:

Direct city staff to initiate a rezoning of Joel Snider Survey A-1448 Tract 1A, an approximately 30-acre tract at 3925 Kennedale New Hope Rd

II. Originated by:

III. Summary:

The property in question is the site of Cowtown Speedway. The future land use plan calls for this area to be residential, but the property is currently zoned for commercial use. At the City Council's request, staff placed this item on the agenda for Council consideration.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Future Land Use Plan showing site	FLUP showing Cowtown Speedway -- reduced size.pdf
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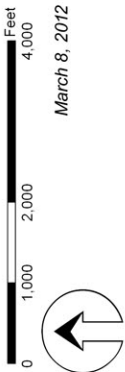
KENNEDALE COMPREHENSIVE PLAN UPDATE

FUTURE LAND USE PLAN

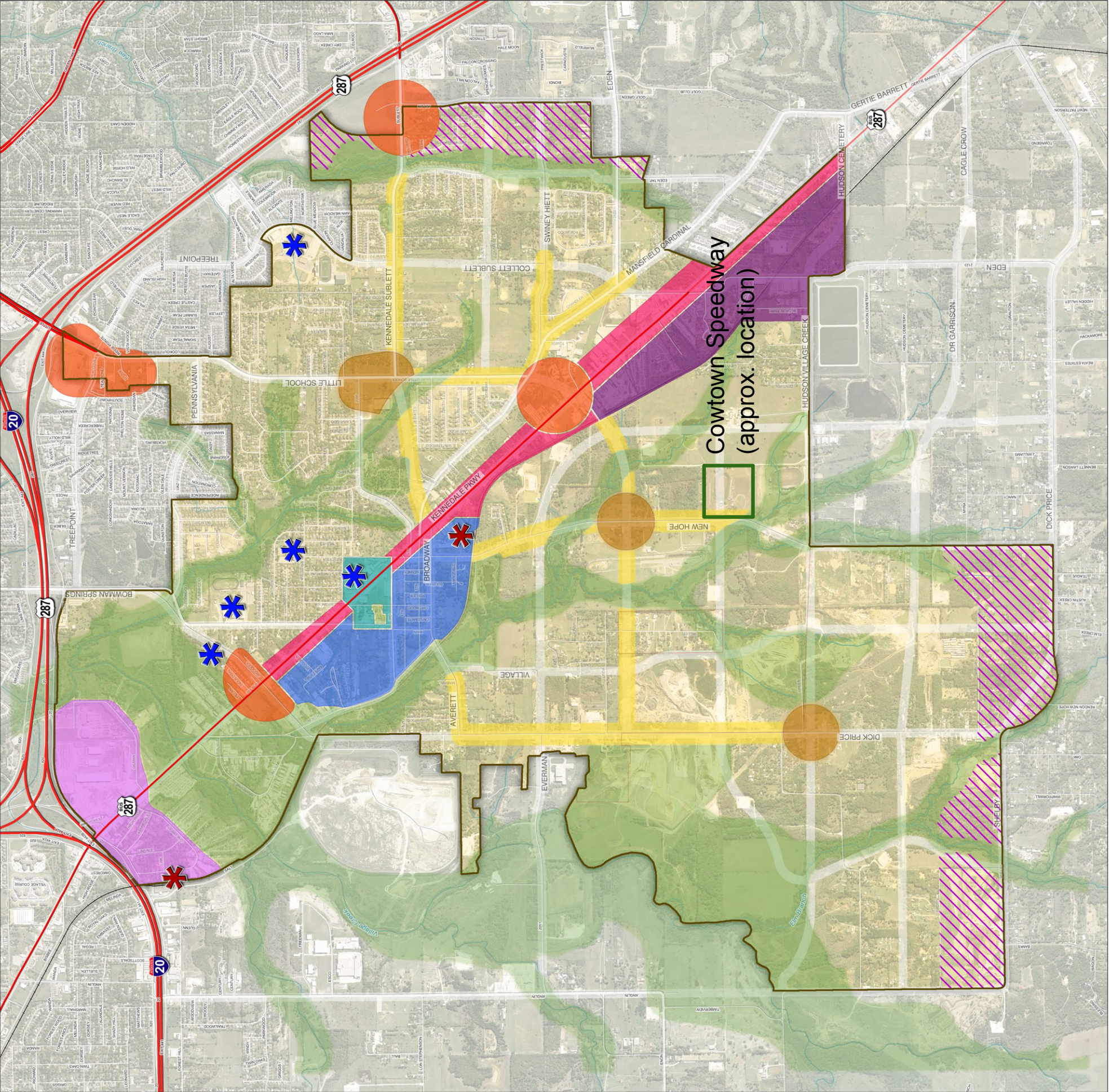
CATEGORIES

- Town Center
- Downtown Village
- Urban Village
- Urban Corridor
- Neighborhood Village
- Neighborhood Corridor
- Neighborhoods
- Employment Center
- Light Industrial District
- Park & Open Space
- Conservation Overlay
- Potential Commuter Train or Park & Ride Station
- Schools

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



KENNEDALE
You're Here, Your Home





Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: DECISION ITEMS - F.

I. Subject:

Consider approval of Ordinance 583 amending Chapter 19 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish cases for senior citizen fee exemption

II. Originated by:

III. Summary:

Consider approval of Ordinance 583 amending Chapter 19 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish cases for senior citizen fee exemption to update to the City's current policy.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 583	Ordinance 583.pdf
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ORDINANCE NO. 583

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING CHAPTER 19 OF THE KENNEDALE CITY CODE OF ORDINANCES (1991), AS AMENDED, BY AMENDING ARTICLE I. - IN GENERAL, TO ESTABLISH CASES FOR SENIOR CITIZEN FEE EXEMPTION; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PAMPHLET FORM CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS , the City of Kennedale, Texas (City) 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, within the City there exists billing procedures for water service for new homes as well as new move in's; and

WHEREAS, proper notice has been given and a public hearing has been held regarding the adoption of this Ordinance, as required by law.

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

SECTION 1.

Section 19-26 "Frequency; fees; senior citizen fee exemption":

(c) Exemption. Notwithstanding subsection (b), The senior citizen exemption where seniors as determined by the city tax roll receive free residential garbage service, but only if a reasonable amount of garbage is all that is located at such citizens' residences, respectively has been removed for the exemptions that Kennedale offers. All of the accounts that were placed under this exemption must re-verify account information and once the owner who receives the exemption is deceased or no longer the home owner, the credit will be removed from the account. No new participants will be added to this program.

SECTION 2. CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of all existing ordinances and of the Kennedale City Code (1991), as amended, including but not limited to all ordinances of the City of Kennedale affecting application for service and payment of deposits, 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 3.
SEVERABILITY CLAUSE**

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 4.
SAVINGS CLAUSE**

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Kennedale City Code (1991), as amended, or any other ordinances regarding application for service and payment of deposits 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 5.
PAMPHLET FORM CLAUSE**

The City Secretary of the City is hereby authorized to publish this Ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this Ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

**SECTION 6.
EFFECTIVE DATE**

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 _____ DAY OF _____, 2015.

CITY OF KENNEDALE:

Mayor, Brian Johnson

ATTEST:

City Secretary, Leslie Galloway

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne Olson



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: DECISION ITEMS - G.

I. Subject:

Consider approval of Ordinance 584 amending Chapter 23 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish a method for starting water services and the procedures needed

II. Originated by:

III. Summary:

Consider approval of Ordinance 584 amending Chapter 23 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish a method for starting water services and the procedures needed to the City's current policy.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 584	Ordinance 584.pdf
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ORDINANCE NO. 584

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING CHAPTER 23 OF THE KENNEDALE CITY CODE OF ORDINANCES (1991), AS AMENDED, BY AMENDING ARTICLE I. - IN GENERAL, TO ESTABLISH A METHOD FOR STARTING WATER SERVICES AND THE PROCEDURES NEEDED; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PAMPHLET FORM CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS , the City of Kennedale, Texas (City) 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, within the City there exists billing procedures for water service for new homes as well as new move in's; and

WHEREAS, proper notice has been given and a public hearing has been held regarding the adoption of this Ordinance, as required by law.

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

SECTION 1.

Section 23-4 "Application for service; payment of deposit":

(a) Applications for water service are not required though lease agreements may be. Properties that have an active account balance that is past the due date by 30 days or more and is \$45.00 or greater or because service is currently shut off due to non-payment and a balance is still owed require a lease agreement and government issued ID in order to secure service. A deposit in the amount established by ordinance shall be paid by all customers before water service is begun, regardless of the size of the meter to be installed; provided, however, contractors and builders making application for temporary water service at a new construction site shall at the option of the city either pay the meter deposit for meter installation and be billed on the basis of actual water used, or have a jumper without meter installed at a monthly charge established by ordinance. Such temporary service shall stop once a meter set request is initiated and the meter is completely set, and only be allowed during construction.

(b) This deposit will be an ongoing deposit and will only be used should the payment not cover the charges against that service connection. Such deposit shall be carried in a special city fund; and unless applied to water, sewer or garbage bill shall be refunded by the city when service is terminated.

SECTION 2.

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of all existing ordinances and of the Kennedale City Code (1991), as amended, including but not limited to all ordinances of the City of Kennedale affecting application for service and payment of deposits, 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 3.

SEVERABILITY CLAUSE

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 4.

SAVINGS CLAUSE

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Kennedale City Code (1991), as amended, or any other ordinances regarding application for service and payment of deposits 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 5.

PAMPHLET FORM CLAUSE

The City Secretary of the City is hereby authorized to publish this Ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this Ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 6.

EFFECTIVE DATE

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 _____ DAY OF _____, 2015.

CITY OF KENNEDALE:

Mayor, Brian Johnson

ATTEST:

City Secretary, Leslie Galloway

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne Olson



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: DECISION ITEMS - H.

I. Subject:

Consider approval of Ordinance 585 amending Chapter 23 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish a billing period and calculate delinquencies

II. Originated by:

III. Summary:

Consider approval of Ordinance 585 amending Chapter 23 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish a billing period and calculate delinquencies to the City's current policy.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 585	Ordinance 585.pdf
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ORDINANCE NO. 585

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING CHAPTER 23 OF THE KENNEDALE CITY CODE OF ORDINANCES (1991), AS AMENDED, BY AMENDING ARTICLE I. - IN GENERAL, TO ESTABLISH A BILLING PERIOD AND CALCULATE DELINQUENCIES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PAMPHLET FORM CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS , the City of Kennedale, Texas (City) 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, within the City there exists billing procedures for water service delinquencies and billing periods; and

WHEREAS, proper notice has been given and a public hearing has been held regarding the adoption of this Ordinance, as required by law.

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

SECTION 1.

Section 23-5 "Billing; delinquency penalties":

All bills for city utilities rendered by the city shall be paid on the designated due date. If the bill is not paid by the designated date, the service shall be subject to discontinuance, and the bill shall contain a notice to this effect. Water and sewer services are indivisible so that nonpayment for either service will justify discontinuance of both services. No additional notice will be given of discontinuance of service for failure to timely pay the bill. The customer may request a hearing, at a time designated not less than five (5) days after the mailing or other personal delivery of the notice, to show just cause why the service should not be discontinued for failure to pay the bill. Such hearing shall be conducted at the city hall by the city manager and city water superintendent or, in the event of necessary absence of either, by the other of the two officials. If the customer fails to appear for the hearing, or appearing fails to show just cause for the delay, the service shall thereafter be promptly disconnected until the delinquencies are all paid. If good cause for delay is shown, the hearing officials may withdraw the discontinuance notice, or defer discontinuance under conditions deemed fair and just in light of the evidence presented at such hearing. If such bills are not paid by the designated due date each month, a ten-percent penalty will be added for late payment.

SECTION 2.

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of all existing ordinances and of the Kennedale City Code (1991), as amended, including but not limited to all ordinances of the City of Kennedale affecting application for service and payment of deposits, 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 3.

SEVERABILITY CLAUSE

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 4.

SAVINGS CLAUSE

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Kennedale City Code (1991), as amended, or any other ordinances regarding application for service and payment of deposits 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 5.

PAMPHLET FORM CLAUSE

The City Secretary of the City is hereby authorized to publish this Ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this Ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 6.

EFFECTIVE DATE

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 _____ DAY OF _____, 2015.

CITY OF KENNEDALE:

Mayor, Brian Johnson

ATTEST:

City Secretary, Leslie Galloway

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne Olson



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: DECISION ITEMS - I.

I. Subject:

Consider approval of Ordinance 586 amending Chapter 23 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish a method for billing commercial accounts for stormwater

II. Originated by:

III. Summary:

Consider approval of Ordinance 586 amending Chapter 23 of the code of ordinances of the City of Kennedale, Texas, as amended, by amending Article 1-In General, to establish a method for billing commercial accounts for stormwater to the City's current policy.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 586	Ordinance 586.pdf
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ORDINANCE NO. 586

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING CHAPTER 23 OF THE KENNEDALE CITY CODE OF ORDINANCES (1991), AS AMENDED, BY AMENDING ARTICLE I. - IN GENERAL, TO ESTABLISH A METHOD FOR BILLING COMMERCIAL ACCOUNTS FOR STORMWATER; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PAMPHLET FORM CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS , the City of Kennedale, Texas (City) 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, within the City there exists billing procedures for commercial accounts and stormwater fees; and

WHEREAS, proper notice has been given and a public hearing has been held regarding the adoption of this Ordinance, as required by law.

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

SECTION 1.

Section 23-506 "Stormwater (drainage) utility fee, billing policies, and procedures":

(b) Responsible Party

(3) If there is no active customer account for a benefitted property recorded in the City's utility billing system, the benefitted property is vacant, either on a temporary or permanent basis, or when a benefitted property is not served by other municipal utility service the Director shall establish a "Stormwater Only Account" and shall bill the owner of the benefitted property for the stormwater (drainage) utility fee. The owner of the benefitted property shall be responsible for payment of fees imposed via a Stormwater Only Account. Commercial accounts will have tenant and owner accounts at all times in which owners are charged for stormwater only and tenants receive all other applicable charges such as water, sewer, and rubbish.

SECTION 2.

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of all existing ordinances and of the Kennedale City Code (1991), as amended, including but not limited to all ordinances of the City of Kennedale affecting application for service and payment of deposits, 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 3.

SEVERABILITY CLAUSE

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 4.

SAVINGS CLAUSE

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Kennedale City Code (1991), as amended, or any other ordinances regarding application for service and payment of deposits 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 5.

PAMPHLET FORM CLAUSE

The City Secretary of the City is hereby authorized to publish this Ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this Ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 6.

EFFECTIVE DATE

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 _____ DAY OF _____, 2015.

CITY OF KENNEDALE:

Mayor, Brian Johnson

ATTEST:

City Secretary, Leslie Galloway

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne Olson



Staff Report to the Honorable Mayor and City Council

Date: November 16, 2015

Agenda Item No: EXECUTIVE SESSION - A.

I. Subject:

The City Council will meet in closed session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property for the following:

1. 5401 High Ridge Road
2. 5400 and 5404 Kennedale Road
3. 6900 Block Kennedale Parkway
4. 300 and 304 New Hope Road

II. Originated by:

Bob Hart

III. Summary:

At this time the City Council will meet in Executive Session.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments: