



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
December 15, 2016
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

II. ROLL CALL

III. WORK SESSION

- A. Discuss any item on the regular session agenda.
- B. Discuss items for future Planning & Zoning Commission agendas

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Consider approval of minutes from 11.17.2016 Planning and Zoning Commission meeting.

VIII. VISITOR/CITIZENS FORUM

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

IX. REGULAR ITEMS

A. **CASE # PZ 16-16** to hold a public hearing and consider approval of Ordinance 619 regarding an amendment to the Unified Development Code, as adopted by Ordinance 605, to amend the schedule of uses in Article 7, Employment Center Districts, to allow hotel / motel as a permitted use in the Employment District Office and Service (EC-2) district and the following uses with a conditional use permit in Employment Center Commercial (EC-1) and Employment District Office and Service (EC-2) districts: Restaurant with drive-through; Wind energy turbine; Solar energy equipment; General office and services, bank/financial services with drive-through; General offices and services- with a drive-through; Vehicle repair, minor; Vehicle sales and rental: automobiles, light trucks, boats, and to amend Article 22 Review Procedure and Requirements by eliminating Section 22.9.C.2.b., and to amend Article 26 Subdivision Review, Section 26.13 Construction Plans and Installation of Improvements.

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

X. REPORTS/ANNOUNCEMENTS

XI. ADJOURNMENT

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

CERTIFICATION

I certify that a copy of the December 15, 2016, Planning and Zoning Commission agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.



Rachel Roberts, Board Secretary



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: December 15, 2016

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss any item on the regular session agenda.

II. Originated by:

III. Summary:

At this time, the Commission may discuss any item on the regular session agenda. No action may be taken on any item, and no comments may be received from the public.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: December 15, 2016

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss items for future Planning & Zoning Commission agendas

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Under this agenda item, the Commission may notify staff of any item it would like to see discussed on future agendas. In addition, staff will update the Commission on future updates to the UDC that may be on Commission agendas in the next year.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: December 15, 2016

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from 11.17.2016 Planning and Zoning Commission meeting.

II. Originated by:

Dale Gwak, Permit Clerk

III. Summary:

Review and approve minutes from 11.17.2016 Planning and Zoning meeting.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	11.17.2016 PZ Minutes	11.17.2016 PZ Minutes.docx
----	-----------------------	----------------------------

KENNEDALE PLANNING & ZONING COMMISSION

MINUTES

COMMISSIONERS - REGULAR MEETING

November 17, 2016

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 6:00 PM

REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

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

II. ROLL CALL

COMMISSIONER	PRESENT	ABSENT
Ernest Harvey, Chair	X	
Carolyn Williamson	X	
Stephen Brim	Present at 6:30PM	
Thomas Pirtle	X	
Patrick Filson	X	
Chris Pugh	X	
Horace Young, Alternate	X	
Greg Adams, Alternate	X	

A quorum was present.

Staff Present:

Rachel Roberts (Planning Director)

Dale Gwak (Board Secretary)

III. WORK SESSION

A. Discuss any item on the regular session agenda

The Commission discussed case PZ 16-12. Mr. Harvey provided an overview on the case. PZ 16-12 concerns 1.5 acres of AG agricultural land being proposed for rezoning to R-3 single family residential, R-2 residential, or a PD planned development zoning district. Although in the previous meeting, a PD seemed like a good solution, attorneys advised that in order to rezone as a PD, the City would have to pay for the site plan and any other required plans which the City does not have the budget to do. Mr. Harvey suggested that a mix of R-2 and R-3 may be the solution, or that the currently existing home on that land could be zoned as an R-1 on its own. The rest of the land could be zoned as an R-2. A variance would have to be granted to make the land usable, but Mr. Harvey said that he thought the case would be strong enough to bring to the Board of Adjustments and reasonably expect to have the variance request granted. Mr. Harvey asked Ms. Roberts if the variance could be granted by the Planning & Zoning Commission, and Ms. Roberts stated that lot size variances cannot be granted by the Commission.

The Commission also discussed PZ 16-14, a replat in Falcon Wood Estates that includes floodplain and drainage easements. The subjects covered included the ingress and egress of the property, including access to J R Hawkins (which is in Arlington, TX). Public Works, Fire Department, and the City of Arlington found no issues with the proposed plat.

The final item in the Work Session was PZ 16-15, a replat in the Oak Crest area. Mr. Harvey's main question involved the dedication of Link Street to the City of Kennedale. There was no indication that the street was dedicated to the City of Kennedale. Ms. Roberts said that the road is dedicated, and would ask the surveyor why he labeled it in the way he did, which did not indicate that Link Street was dedicated to the City of Kennedale. Ms. Roberts suggested making a motion for approval that the plat is to have the dedication information on it for Link Street. Additionally, Mr. Harvey said that Lots 1R and 6R were put together in the metes and bounds description, and no description was dedicated to defining each lot on its own. Mr. Brim said that this was entirely normal in the industry.

The work session closed at 6:40 PM.

IV. REGULAR SESSION

V. CALL TO ORDER

Mr. Harvey called the regular session to order at 7:00 PM.

VI. ROLL CALL

COMMISSIONER	PRESENT	ABSENT
Ernest Harvey, Chair	X	
Carolyn Williamson	X	
Stephen Brim	X	
Thomas Pirtle	X	
Patrick Filson	X	
Chris Pugh	X	
Horace Young, Alternate	X	
Greg Adams, Alternate	X	

A quorum was present.

Staff Present:

Rachel Roberts (Planning Director)

Dale Gwak (Board Secretary)

VII. MINUTES APPROVAL

A. Consider Approval of minutes from the October 20, 2016 Planning and Zoning Commission meeting.

Thomas Pirtle motioned to approve.
Carolyn Williamson seconded the motion.
Approval was unanimous.

VIII. VISITOR/CITIZENS FORUM

No one registered to speak.

IX. REGULAR ITEMS

A. CASE # PZ 16-12 *Consider approval of Ordinance No. 609 regarding a request by Joe Boston Jr for SOS Renovations, LLC for a zoning change from "AG" Agricultural to "R3" Single Family Residential for approximately 1.5 acres in the W E Haltom Survey A731 and described in a deed recorded as D213282537 in the Tarrant County deed records and located at 1115 Border Ln.*

Ms. Roberts provided the staff presentation. The key points of the presentation were that rezoning from AG zoning to a planned development district was not necessarily considered less intensive, thus making such a rezoning open to challenge. Additionally, zoning the property to PD would also mean that the City would have to pay for the studies and surveys required for PD districts. Therefore as discussed during the work session, a zoning of R-2 for the half-acre with the existing home and zoning of the R-3 for the remainder would be most appropriate. Mr. Harvey asked if the Commission needed to hold a public hearing. Ms. Roberts clarified that it did not since the Commission had already held two public hearings on this case.

Mr. Joe Boston (the applicant) agreed with all of the recommendations that the Board had made during the staff presentation. An R-2 and R-3mix would be most appropriate.

Mr. Harvey suggested a rezoning of R-1 for the half-acre with the house and R-2 for the remainder. Mr. Brim expressed concern that the areas being zoned as R-2 would in fact render the property non-conforming and impossible to develop. Mr. Harvey and Ms. Roberts both presented possibilities for variance to make the property conforming. Mr. Brim asked if this discussion had formally taken place with the Board of Adjustments (BOA). Ms. Roberts said that this discussion had not taken place. Mr. Filson expressed concern that because this rezone would be nonconforming from its very beginning, it should be zoned PD instead or an R-3. Mr. Harvey reminded the board that an R-3 was not acceptable because the City cannot make a binding agreement with the owner on how the land will be used (in order to limit the construction to three houses). Mr. Brim asked if the R-1, R-2 rezoning were to happen, what the purpose would be. Mr. Harvey said it would serve to limit the number of new homes that can be built on the property. When Mr. Brim asked if the applicant could get a variance, Mr. Harvey said that there was a very good chance that they could and that the BOA would evaluate this favorably. Ms. Williamson asked if it were possible to rezone if BOA did not grant a variance. Mr. Harvey said that it would not be possible. Mr. Pirtle made a motion to zone the property as an R-1, R-2 combination. Ms. Williamson seconded the motion. The motion passed with Carolyn Williamson, Thomas Pirtle, Chris Pugh, and Patrick Filson voting in favor, Stephen Brim voting against, and Ernest Harvey abstaining.

B. Case # PZ 16-14 *Public hearing and consideration of a request by Joyce Stanton for replatting of 1399 J R Hawkins Rd., legal description of Falcon Wood Estates Section One, Block 1, Lot 17, Kennedale, Tarrant County, Texas. The replat would create Lots 17RA and 17RB.*

Ms. Roberts opened the staff presentation with a correction in that there is no ordinance to consider with this case. The property in question was originally designed to be drainage lot. The City approved an amending plat to allow the floodplain and the drainage easement to be reduced, which would allow more space for development. As part of the amending plat, the property owner conducted extensive hydrological studies, and the City engineers accepted the findings. The property is still large enough to maintain an open space character as is called for in the comprehensive plan. All requirements from the Fire Department and Public Works had been met.

Ms. Joyce Stanton (908 W. Main Street, Arlington, TX), the engineer and surveyor for Falcon Wood Estates, started the applicant presentation. She stated that she had worked on this property since 2004/2005 and the people in the area were happy with the development. They had an outside engineer study the lots to evaluate the feasibility of constructing homes on those properties. One of the results of the studies was the Lot 7 owner asking if he could obtain the land behind his property and build on it.

Mr. Ralph Shelton (1308 Canterbury Court, Arlington, TX), developer of Falcon Woods, continued the applicant presentation. He assured that the properties in Falcon Woods conform to the restrictions regarding floodplains and floodways. He stated that the plan should not offend anyone. Mr. Harvey asked if they were not going to build any ingress or egress for the property. Mr. Shelton stated that the property has frontage on Swiney Hiatt Road. Mr. Harvey asked if the owner wanted to build anything. Mr. Shelton said that a guest house or storage was in the plans. Mr. Harvey asked if these were going to be two separate structures. Ms. Roberts also reminded the applicant that if the owner wanted to build a small guest house or storage, these would require a primary building, so either the owner would have to build another primary building on the lot or the owner would have to apply for a replat so that the currently existing home on the owner's property would serve as the primary building. Mr. Brim asked if the zone was a PD. Ms. Stanton said it was not. Mr. Shelton added that his company had discussed the detail with the local Home Owners' Association, and they were happy with the plans as well.

Mr. John Stockton (1162 Hunters Haven Dr., Kennedale TX), the Home Owners' Association Chairman of Falcon Wood Estates, told the board that Mr. Shelton was complying with all of the concerns and requirements of the Falcon Wood Estates HOA. This closed the applicant presentation.

No one registered to speak for the public hearing.

Ms. Roberts stated that the staff recommended approval.

Mr. Brim made a motion to approve case # PZ 16-14. Mr. Pirtle seconded the motion. The motion passed with Carolyn Williamson, Thomas Pirtle, Chris Pugh, Patrick Filson, and Stephen Brim voting for, and Ernest Harvey abstaining.

C. Case # PZ 16-15 Public hearing and consideration of a request by the Kennedale Economic Development Corporation for replatting of Block 5, Lots 16 and 1216, Oak Crest Addition, Kennedale Tarrant County, Texas. The replat would create Lots 1R and 6R, Block 5.

Ms. Roberts provided a description of the area. The Kennedale Economic Development Corporation (KEDC) purchased the properties to be platted. This area has a variety of zoning districts, but the comprehensive plan intends for this area to be rezoned as an Employment Center district. Public Works, Fire Department, and other departments have no concerns regarding the proposed plan. No variances are required. She also stated that staff recommends approval and that should the plan meet all of the City's requirements, the City would have to approve it. Mr. Harvey asked if the staff had any questions. Ms. Roberts said that the staff had no questions regarding this case. The applicant was not present and no one in the public requested to speak. Ms. Roberts said that the staff recommended approval for the staff response portion of the hearing.

Mr. Pirtle made a motion to approve PZ 16-15 as written. Mr. Filson seconded the motion. With no further discussions requested, Mr. Harvey said that he would like to add a note to the plat making it clearer that Link Street was dedicated to the City. Mr. Pirtle made a motion to amend his motion accordingly. Mr. Filson seconded the motion. The vote passed in favor with Carolyn Williamson, Thomas Pirtle, Chris Pugh, Patrick Filson, and Stephen Brim voting for, and Ernest Harvey abstaining.

X. REPORTS/ANNOUNCEMENTS

Ms. Roberts announced that the Christmas tree lighting event would take place on December 6, 2016 at 5 PM. City Hall would be closed on Thanksgiving Day and the day after. The Family Movie Matinee would take place on November 26, 2016 at 3 PM. The deadline for the Angel Tree has been extended until November 28, 2016.

XI. ADJOURNMENT

With no further business to discuss, the meeting was adjourned.

Ernest Harvey, Chair

Date

Attest: _____

Dale Gwak, Board Secretary

Date: December 15, 2016

Agenda Item No: REGULAR ITEMS (A)

I. SUBJECT

CASE # PZ 16-16 to hold a public hearing and consider approval of Ordinance 619 regarding an amendment to the Unified Development Code, as adopted by Ordinance 605.

Note: the full case description is shown on the agenda

II. SUMMARY

BACKGROUND AND OVERVIEW

Request	Amend UDC
Applicant	City of Kennedale
Staff Recommendation	Approve

BACKGROUND & OVERVIEW

The City adopted the Employment Center regulations in two phases in 2013 and 2014 as part of implementing the comprehensive land use plan. These regulations were then incorporated into the Unified Development Code. When that happened, land uses that were permitted in the original EC regulations were inadvertently prohibited once the UDC was adopted. The same error was made for Old Town regulations, which were adopted in 2015. The attached ordinance would amend the UDC to allow uses intended to be permitted, as well as two minor errors, as described below.

STAFF REVIEW

Description of recommended changes

Employment Center

Attached to this report are excerpts from the Employment Center schedules of uses prior to adoption of the UDC. As you'll see, there are several uses that were intended to be permitted in the Employment Center that were not included in the UDC. The EC regulations are relatively new, and

staff has not observed any problems with the permitted uses and therefore would not have recommended prohibiting them through the UDC. Unfortunately, staff missed this mistake when reviewing the UDC prior to approval. Among the recommended changes to the schedule of uses, it is especially important to allow the hotel/motel land use in sub-district EC-2 is in order to maintain conformity with the Employment Center Master Plan.

Old Town

The pre-UDC Old Town district schedule of uses is also included with this report. Changes include permitting 3-family and 4-family dwelling units but prohibiting multi-family units (note: the UDC includes 3-family and 4-family dwellings in the category of multi-family, so these uses are allowed, but so are more intensive multi-family land uses), as well as retail bakeries over 2,000 square feet in the OT-4 sub-district and light manufacturing with a special exception in OT-4. Note that it also adds a land use of Cottage Food Production, which is permitted in any residential zoning district by state law, subject to certain restrictions.

Section 22.9.C.2.b

Staff recommends eliminating Section 22.9.C.2.b. That section concerns sending notice to community groups registered with the city secretary's office, but we don't maintain any such registry.

Section 26.13

Article 26 *Subdivision Review*, Section 26.13 *Construction Plans and Installation of Improvements* says that a developer of a subdivision will schedule a final inspection with the building official, but these inspections are actually scheduled with the public works director. Staff recommends correcting the UDC to reflect actual practice.

STAFF RECOMMENDATION

Staff recommends approval.

ACTION BY THE PLANNING & ZONING COMMISSION

Approval: Based on the information presented, I find that the request meets city requirements for amending the UDC and make a motion to approve Ordinance 619.

Approval with Conditions: Based on the information presented, I find that the request meets city requirements for amending the UDC and make a motion to approve Ordinance 619.

Deny: Based on the information presented, I find that the request does not meet city requirements and make a motion to deny the request.

ORDINANCE NO. 619

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING THE SCHEDULE OF USES IN ARTICLE 7, EMPLOYMENT CENTER DISTRICTS, TO ALLOW HOTEL/MOTEL AS A PERMITTED USE IN THE EC-2 DISTRICT AND THE FOLLOWING USES AS A CONDITIONAL USE IN THE EC-1 AND EC-2 DISTRICTS: RESTAURANT WITH DRIVE-THROUGH; WIND ENERGY TURBINE; SOLAR ENERGY EQUIPMENT; GENERAL OFFICES AND SERVICES, BANK/FINANCIAL SERVICES WITH DRIVE-THROUGH FACILITY; GENERAL OFFICES AND SERVICES WITH A DRIVE-THROUGH; VEHICLE REPAIR, MINOR; AND VEHICLE SALES AND RENTAL: AUTOMOBILES, LIGHT TRUCKS, BOATS; AMENDING THE SCHEDULE OF USES IN ARTICLE 4, OLD TOWN DISTRICTS, TO ALLOW DWELLING, 3-FAMILY, AND DWELLING, 4-FAMILY, IN THE OT-2 AND OT-4 DISTRICTS; REMOVING DWELLING, MULTI-FAMILY AS A PERMITTED USE IN THE OT-3 AND OT-4 DISTRICTS; ALLOWING GROUP HOUSING, INDEPENDENT AND ASSISTED LIVING AS A PERMITTED USE IN THE OT-4 DISTRICT AND AS A SPECIAL EXCEPTION USE IN THE OT-2 DISTRICT, ALLOWING BAKERY, RETAIL 2,000 SQUARE FEET OR MORE OF GROSS FLOOR AREA AS A PERMITTED USE IN THE OT-4 DISTRICT, REMOVING TAVERN AS A PERMITTED USE IN THE OT-3 AND OT-4 DISTRICTS; ADDING COTTAGE FOOD PRODUCTION AS A PERMITTED USE IN THE OT-1, OT-2, AND OT-3 DISTRICTS; AND ALLOWING MANUFACTURING, PROCESSING AND PACKAGING AND MANUFACTURING, PROCESSING AND PACKAGING-LIGHT, AND ASSOCIATED RETAIL SALES AS A SPECIAL EXCEPTION USE IN THE OT-4 DISTRICT; AND ALLOWING MACHINE SHOP AS A SPECIAL EXCEPTION IN THE OT-2 AND OT-4 DISTRICTS; AMENDING ARTICLE 22, GENERAL PROCEDURES AND AMENDMENTS, BY ELIMINATING SECTION 22.9.C.2.B.; AMENDING ARTICLE 26, SUBDIVISION REVIEW, SECTION 26.13, CONSTRUCTION PLANS AND INSTALLATION OF IMPROVEMENTS; 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, the City Council has adopted a Unified Development Code that regulates the location and use of buildings, other structures and land for business,

industrial, residential or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan and that otherwise regulates the development and use of properties within the city limits of the City of Kennedale; and

WHEREAS, in order to promote the public health, safety and general welfare the City Council desires to amend the Unified Development Code as provided in this ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of Kennedale, Texas held a public hearing on December 15, 2016, and the City Council of the City of Kennedale, Texas held a public hearing on December 19, 2016, 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 22 of the Unified Development Code, and all other laws dealing with notice, publication, and procedural requirements for amending the Unified Development Code.

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

SECTION 1.

Table 7.2, "Schedule of Uses," of Article 7, "Employment Center Districts," of the Unified Development Code of the City of Kennedale, Texas, as amended, is amended to read as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 2.

Table 4.2, "Schedule of Uses," of Article 4, "Old Town Districts" of the Unified Development Code of the City of Kennedale, Texas, as amended, is amended to read as shown in Exhibit "B" attached hereto and incorporated herein.

SECTION 3.

Article 22, "General Procedures and Amendments," of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended by repealing Section 22.9.C.2.b.

SECTION 4.

Section 26.13.E of Article 26, "Subdivision Review," of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

E. *Final Walk-Through and Construction Debris.* The developer of a subdivision shall arrange for a final walk-through inspection with the Director of Public Works. No cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of completion of public facilities. Removal of all debris and waste shall be required prior to approval and acceptance of all public improvements and prior to the issuance of any building permit or certificate of occupancy.

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and of the Unified Development Code of the City of Kennedale, Texas (2016), 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 6.

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 7.

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 8.

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 9.

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

SECTION 10.

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 19th DAY OF DECEMBER, 2016.

MAYOR

ATTEST:

CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

Table 7.2 Schedule of Uses: Employment Center Districts

Use	EC 1	EC 2	EC 3	Other
Accessory Uses				
Accessory buildings				11.2
Garage sales				11.10
Holiday tree and firewood sales				11.17
Home occupation	P	P		11.18
Outdoor display, accessory retail sales	P	P		11.23
Outdoor display, temporary accessory retail sales				11.24
Outdoor storage, commercial and industrial				11.25
Residential sales				11.30
Solar energy equipment	C	C		11.37
Accommodations, Hospitality, Entertainment				
Banquet hall				
Bed and breakfast				
Hotel/motel		P		
Micro-brewery				
Micro-winery with vineyard				
Micro-winery without vineyard				
Nightclub or dance hall				
Private club				
Recreation facility, campground				
Recreation facility, commercial indoor				
Recreation facility, commercial indoor, amusement machine establishment	P			11.26
Recreation facility, commercial indoor- pool or billiards hall	P			
Recreation facility, commercial indoor- gun shooting range	P			11.27
Recreation facility, commercial indoor- paintball or other survival games	P			
Recreation facility, commercial outdoor				11.28
Recreation facility, commercial outdoor- paintball or other survival games				11.28
Recreation facility, community-based				
Recreation facility, driving range				
Recreation facility, golf course				
Recreation facility, recreational vehicle park				11.29
Recreation facility, rodeo ground and arena				
Recreation facility, vehicular racing facility				
Restaurant	P	P		
Restaurant with drive-through	P	C		11.31
Restaurant with micro-brewery or micro-winery	P	P		
Restaurant with outdoor dining or service	P	P		
Tavern	P	P		
Theater, movie, indoor	P	S		
Agricultural				
Agricultural operation or farm				11.3
Agribusiness and feed store (without animal sales)				
Agribusiness and feed store (with animal sales)				
Agritourism				
Farmers market				

Table 7.2 Schedule of Uses: Employment Center Districts				
Use	EC 1	EC 2	EC 3	Other
Greenhouse and nursery, commercial				11.15
Keeping of animals, hobby farm				
Roadside (produce) stand				11.32
Stables, private				
Stables, public/commercial				
Winery, with vineyard				
Industrial				
Impound vehicle storage facility				11.19
Landfill				
Manufacturing, processing and packaging- light				11.20
Manufacturing, processing and packaging- light, and associate retail sales				11.20
Manufacturing, processing and packaging- heavy				11.20
Mining and mineral extraction operation				11.22
Outdoor storage, commercial and industrial				11.25
Salvage operations				11.33
Warehousing				
Wholesale and distribution				
Mini-warehouse/self-storage				
Winery, without vineyard				
Infrastructure, Transportation, Communications				
Airport				11.5
Airstrip				11.5
Bus terminal				
Essential services				11.9
Drilling and production of oil and gas				11.7
Freight terminal, railroad				
Freight terminal, trucking				
Gathering and compression station				11.7
Helicopter landing pad				11.5
Infrastructure and utilities- regional				
Parking facility, public or commercial				
Satellite transmission antenna				11.34
Waste management facility				
Waste management facility- transfer station				
Wind energy turbine	C	C		11.41
Wireless communication facilities				11.42
Institutional/Civic				
Cemetery				
Community oriented cultural facility	P	P		
Community public safety- fire	P	P		
Community public safety- police	P	P		
Community public safety- prison or penitentiary				
Governmental facility	P	P		
Meeting facility	P	P		
Parks, playgrounds, outdoor recreation	P	P	P	
Place of worship	P	P	P	
School, college or university	P	P		

Table 7.2 Schedule of Uses: Employment Center Districts

Use	EC 1	EC 2	EC 3	Other
School, elementary, middle, high school	P	P		
School, nursery or kindergarten	P	P		
School, specialized/training	P	P		
Offices and Services				
Animal services, animal clinic/hospital	P	P		11.4
Animal services, commercial kennel				11.4
Animal services, shelter or rescue				11.4
Body branding, piercing and tattoo facility				
Child care center	P	P		11.6
Crematorium				
General offices and services, alternative financial establishments				11.11
General offices and services, bank/financial services -- with drive-through	P C	P C		
General offices and services, bail bond establishment				11.12
General offices and services- business services	P	P		
General offices and services- business support services	P	P		
General Offices & Services- Construction and Building Services, indoor storage				
General Offices & Services- Construction and Building Services, outdoor storage				11.25
General offices and services- gunsmith and sales				
General offices and services- personal services	P	P		
General offices and services- personal services- funeral home (without crematory services)				
General offices and services- personal services- laundry and dry cleaners	P	P		
General offices and services- professional and administrative services	P	P		
General offices and services- with a drive through facility	C	C		
Medical services, clinics	P	P		
Medical services, medical offices	P	P		
Medical services, hospital	P	P		
Vehicle repair, major				11.39
Vehicle repair, minor	C	C		
Vehicle wash				
Vehicle wash, trucks and heavy equipment				
Residential				
Day care, child day care home				11.6
Day care, group home day care home				11.6
Dwelling, attached accessory				11.8
Dwelling, detached accessory				11.8
Dwelling, multi-family				
Dwelling, multi-family, upper floor	P	P		
Dwelling, single-family				
Dwelling, single-family attached			P	
Dwelling, two-family				

Table 7.2 Schedule of Uses: Employment Center Districts				
Use	EC 1	EC 2	EC 3	Other
Group housing, adult group home				11.16
Group housing, boarding (rooming) house				
Group housing, convalescent or nursing home				
Group housing, fraternity or sorority home				
Group housing, halfway house				
Group housing, independent and assisted living				
Live-work unit	P	P	P	
Manufactured home community				11.21
Retail				
Bakery, retail- under 2,000 square feet of gross floor area				
Bakery, retail- 2,000 square feet or more of gross floor area				
General retail (indoor)	P	P		
General retail (indoor)- over 50,000 gross floor area				11.13
General retail (outdoor)				
General retail, alcohol sales				11.14
General retail (indoor)- auto parts				
General retail (indoor)- pawnshop				11.11
General retail with a drive-through	P	P		
Liquefied petroleum gas (LPG) sales				
Service station				11.35
Vehicle sales and rental: automobiles, light trucks, boats	C	C		11.40
Vehicle sales and rental: heavy equipment/tools, heavy trucks, RVs, manufactured homes				11.40
Other				
Similar uses	P,S C	P,S C	P,S C	2.7
Sexually oriented business				11.36
Temporary construction office	S	S	S	11.38
Temporary sales office	S	S	S	11.38
Temporary use- special function				11.38

Table 4.2 Schedule of Uses: Old Town Districts

Use	OT-1	OT-2	OT-3	OT-4	Other
Accessory Uses					
Accessory buildings	P	P	P	P	11.2
Garage sales	P	P	P	P	11.10
Holiday tree and firewood sales		S	S	S	11.17
Home occupation , including cottage food production*	P	P		P	11.18
Outdoor display, accessory retail sales					11.23
Outdoor display, temporary accessory retail sales			P	P	11.24
Outdoor storage, commercial and industrial					11.25
Residential sales	P	P	P	P	11.30
Solar energy equipment	P	P	P	P	11.37
Accommodations, Hospitality, Entertainment					
Banquet hall			P	P	
Bed and breakfast		P	S	P	
Hotel/motel			P	P	
Micro-brewery		S	S	S	
Micro-winery with vineyard		C		C	
Micro-winery without vineyard		P	P	P	
Nightclub or dance hall					
Private club					
Recreation facility, campground					
Recreation facility, commercial indoor		P	P	P	
Recreation facility, commercial indoor, amusement machine establishment					11.26
Recreation facility, commercial indoor- pool or billiards hall			P	P	
Recreation facility, commercial indoor- gun shooting range				S	11.27
Recreation facility, commercial indoor- paintball or other survival games					
Recreation facility, commercial outdoor					11.28
Recreation facility, commercial outdoor- paintball or other survival games					11.28
Recreation facility, community-based	S	S	S	S	
Recreation facility, driving range					
Recreation facility, golf course					
Recreation facility, recreational vehicle park					11.29
Recreation facility, rodeo ground and arena					
Recreation facility, vehicular racing facility					
Restaurant		P	P	P	
Restaurant with drive-through					11.31
Restaurant with micro-brewery or micro-winery			P	P	
Restaurant with outdoor dining or service		P	P	P	
Tavern			P	P	
Theater, movie, indoor			P	P	
Agricultural					
Agricultural operation or farm					11.3
Agribusiness and feed store (without animal sales)				P	
Agribusiness and feed store (with animal sales)				S	
Agritourism					
Farmers market			P		

*as permitted by state law concerning cottage food production operations

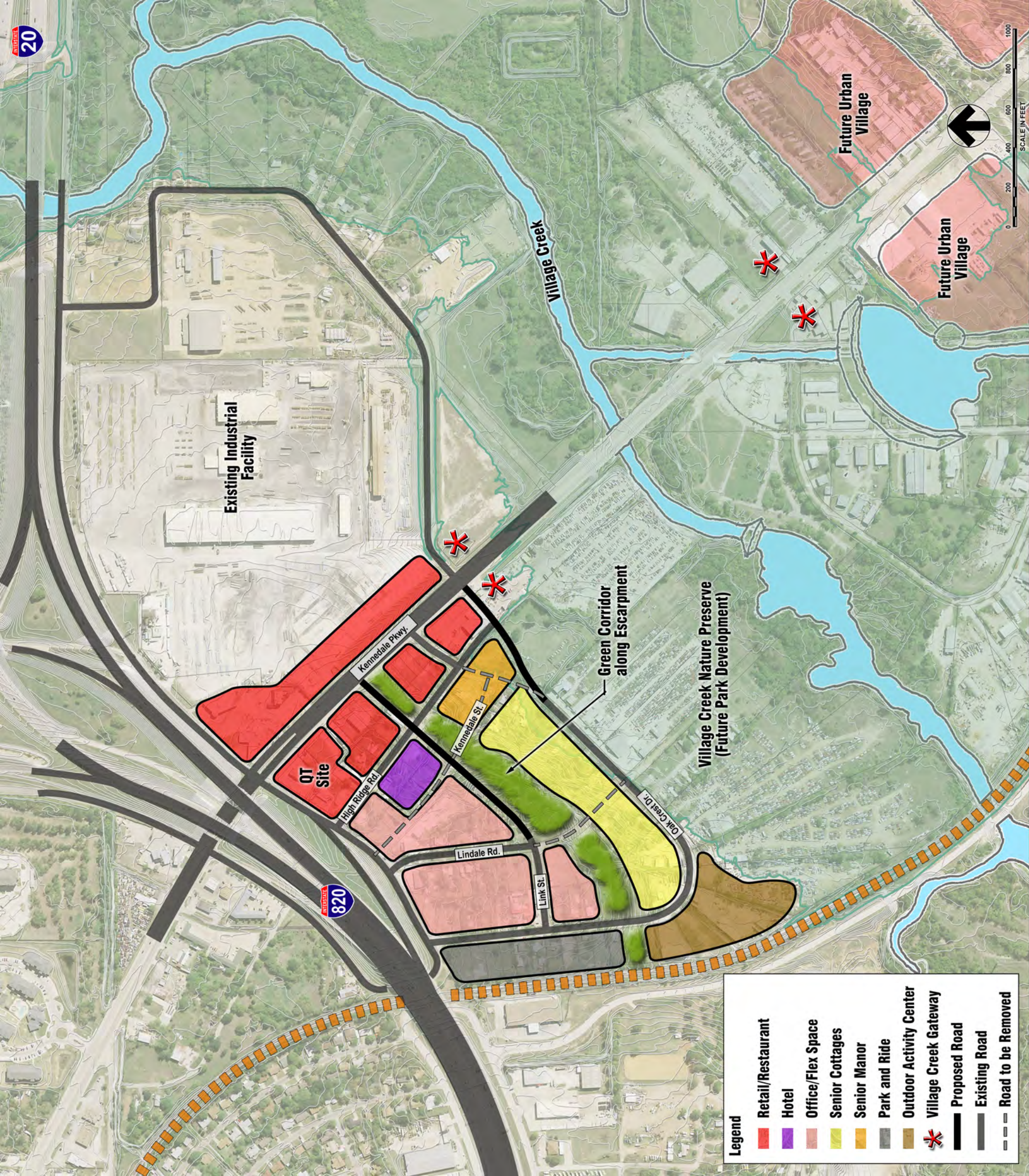
Table 4.2 Schedule of Uses: Old Town Districts

Use	OT-1	OT-2	OT-3	OT-4	Other
Greenhouse and nursery, commercial					11.15
Keeping of animals, hobby farm					
Roadside (produce) stand		P	S	P	11.32
Stables, private	C	C			
Stables, public/commercial					
Winery, with vineyard		C		C	
Industrial					
Impound vehicle storage facility					11.19
Landfill					
Machine Shop		S		S	
Manufacturing, processing and packaging- light				S	11.20
Manufacturing, processing and packaging- light, and associate retail sales				S	11.20
Manufacturing, processing and packaging- heavy					11.20
Mining and mineral extraction operation					11.22
Outdoor storage, commercial and industrial					11.25
Salvage operations					11.33
Warehousing					
Wholesale and distribution					
Mini-warehouse/self-storage					
Winery, without vineyard		P	P	P	
Infrastructure, Transportation, Communications					
Airport					11.5
Airstrip					11.5
Bus terminal				S	
Essential service	P	P	P	P	11.9
Drilling and production of oil and gas	S	S	S	S	11.7
Freight terminal, railroad	S	S	S	S	
Freight terminal, trucking					
Gathering and compression station	S	S	S	S	11.7
Helicopter landing pad					11.5
Infrastructure and utilities- regional	S	S	S	S	
Parking facility, public or commercial			S	S	
Satellite transmission antenna	S	S	S	S	11.34
Waste management facility					
Waste management facility- transfer station					
Wind energy turbine					11.41
Wireless communication facilities	P/S	P/S	P/S	P/S	11.42
Institutional/Civic					
Cemetery	S	S	S	S	
Community oriented cultural facility	S	S	P	S	
Community public safety- fire	S	S	P	P	
Community public safety- police	S	P	P	P	
Community public safety- prison or penitentiary					
Governmental facility	S	S	P	P	
Meeting facility			P	P	
Parks, playgrounds, outdoor recreation	P	P	P	P	
Place of worship	P	P	P	P	
School, college or university	S	S	P	S	
School, elementary, middle, high school	P	P	P	P	
School, nursery or kindergarten	P	P	P	P	

Table 4.2 Schedule of Uses: Old Town Districts

Use	OT-1	OT-2	OT-3	OT-4	Other
School, specialized/training	S	S	P	P	
Offices and Services					
Animal services, animal clinic/hospital		P	P	P	11.4
Animal services, commercial kennel				S	11.4
Animal services, shelter or rescue				S	11.4
Body branding, piercing and tattoo facility		S	P	P	
Child care center		P	P	P	11.6
Crematorium					
General offices and services, alternative financial establishments					11.11
General offices and services, bank/financial services		P	P	P	
General offices and services, bail bond establishment					11.12
General offices and services- business services		P	P	P	
General offices and services- business support services		P	P	P	
General Offices & Services- construction and building Services, indoor storage	P	P	P		
General Offices & Services- construction and building Services, outdoor storage					11.25
General offices and services- gunsmith and sales		S	S	P	
General offices and services- personal services		P	P	P	
General offices and services- personal services- funeral home (without crematory services)			P	P	
General offices and services- personal services- laundry and dry cleaners		P	P	P	
General offices and services- professional and administrative services		P	P	P	
General offices and services- with a drive through facility					
Medical services, clinics		P	P	P	
Medical services, medical offices		P	P	P	
Medical services, hospital					
Vehicle repair, major				S	11.39
Vehicle repair, minor				P	
Vehicle wash					
Vehicle wash, trucks and heavy equipment					
Residential					
Day care, child day care home	P	P			11.6
Day care, group home day care home					11.6
Dwelling, attached accessory	P	P			11.8
Dwelling, detached accessory	P	P			11.8
Dwelling, multi-family					
Dwelling, multi-family, upper floor			P	P	
Dwelling, single-family	P	P			
Dwelling, single-family attached			P	P	
Dwelling, two-family	P	P			
Dwelling, three-family		P		P	
Dwelling, four-family		P		P	
Group housing, adult group home	P	P		P	11.16
Group housing, boarding (rooming) house		P		P	
Group housing, convalescent or nursing home	S	S	S	P	
Group housing, fraternity or sorority home		P	P	P	
Group housing, halfway house					
Group housing, independent and assisted living		S		P	

Table 4.2 Schedule of Uses: Old Town Districts					
Use	OT-1	OT-2	OT-3	OT-4	Other
Live-work unit		P			
Manufactured home community					11.21
Retail					
Bakery, retail- under 2,000 square feet of gross floor area		P	P	P	
Bakery, retail- 2,000 square feet or more of gross floor area				P	
General retail (indoor)		P	P	P	
General retail (indoor)- over 50,000 square feet of gross floor area			C	C	11.13
General retail (outdoor)					
General retail, alcohol sales		P	P	P	11.14
General retail (indoor)- auto parts		P		P	
General retail (indoor)- pawnshop			S	S	11.11
General retail with a drive-through					
Liquefied petroleum gas (LPG) sales					
Service station			S	S	11.35
Vehicle sales and rental: automobiles, light trucks, boats			P		11.40
Vehicle sales and rental: heavy equipment/tools, heavy trucks, RVs, manufactured homes				S	11.40
Other					
Similar uses	P,S C	P,S C	P,S C	P,S C	2.7
Sexually oriented business					11.36
Temporary construction office					11.38
Temporary sales office					11.38
Temporary use- special function					11.38



Legend

- Retail/Restaurant
- Hotel
- Office/Flex Space
- Senior Cottages
- Senior Manor
- Park and Ride
- Outdoor Activity Center
- Village Creek Gateway
- Proposed Road
- Existing Road
- Road to be Removed

August 28, 2012

SECTION 8. LAND USES

Table 8.1 Schedule of Uses			
	Character Zone	Corridor Commercial Sub-Districts 1 & 2	Green Corridor Sub-District 1
Land Use			
Retail Sales or Service (personal service uses), <u>with no drive through facility</u>		X	NP
Retail Sales or Service (personal service uses), <u>with drive through facility</u> (Excluded from this category are retail sales and service establishments geared towards the automobile)		X/C	NP
Auto-related Sales or Service establishments		X/C	NP
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, <u>with no drive through facility</u>		X	NP
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, <u>with drive through facility</u>		X/C	NP
Offices for business, professional, administrative, and technical services such as accountants, architects, lawyers, and other non-medical professionals, etc.		X	NP
Health / Medical Clinics providing outpatient care, including physician offices, dentists, chiropractors, optometrists, etc., <u>with no drive through facility</u> (e.g., for attached pharmacy, glasses pick-up, etc.)		X	NP
Research laboratory headquarters, laboratories and associated facilities		X	NP

Table 8.1 Schedule of Uses			
Character Zone	Corridor Commercial Sub-Districts 1 & 2	Green Corridor Sub-District 1	
Food Service Uses such as full-service restaurants, fast food establishments, cafeterias, bakeries and snack bars with <u>no drive through facilities</u>	X	NP	
Food Service Uses such as full-service restaurants, fast food establishments, cafeterias, bakeries and snack bars <u>with drive through facilities</u>	X/C	NP	
Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages (with food service).			
Pet and animal sales or service (incl. vet clinic)	X	NP	
Amusement or theme park establishment (indoor) including bowling alleys, bingo parlor, games arcades, skating, etc.	X	NP	
Art galleries	X	NP	
Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	X	NP	
Theater, cinema, dance, or music establishment	X	NP	
Museums and other special purpose recreational institutions	X	NP	
Fitness, recreational sports, gym, or athletic club	X	NP	
Parks & open space, trails	X	X	
Business associations and professional membership organizations	X	NP	
Child day care and preschools	X	NP	

Table 8.1 Schedule of Uses			
	Character Zone	Corridor Commercial Sub-Districts 1 & 2	Green Corridor Sub-District 1
Schools, libraries, and community halls		X	NP
Universities and colleges		X	NP
Technical, trade, and specialty schools		X	NP
Hospitals and nursing establishments		X	NP
Civic uses		X	NP
Social and fraternal organizations		X	NP
Social services and philanthropic organizations		X	NP
Public administration uses (including local, state, and federal government uses, public safety, health and human services)		X	NP
Religious Institutions		X	NP
Home Occupations		X/C	NP
Multi-family residential		NP	NP
Ground floor		NP	NP
Upper floors		X/C	NP
Live-work unit		X	NP
Publishing (newspaper, books, periodicals, software)		X	NP
Motion picture and sound recording		X	NP

Table 8.1 Schedule of Uses			
	Character Zone	Corridor Commercial Sub-Districts 1 & 2	Green Corridor Sub-District 1
	Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc.)	X/C	NP
	Information services and data processing	X	NP
	Hotels	X	NP
	Parking, surface (primary use of property)	NP	NP
	Parking, surface (accessory use of property)	X/C	NP
	Parking, structured	X	NP
	Veterinary clinic	X	NP
	Community garden	X	NP
	Outdoor Display	X/C	NP
	Antennas including cell, accessory, and mounted on top of buildings.	X/C and X/SE	NP
	Wind energy equipment	X/C	NP
	Solar energy equipment	X/C	NP
	Special Event	CUP	CUP

X= Permitted by right
 NP= Not Permitted
 X/C = Permitted with Specific Criteria as established in Table 8.2
 X/SE = Permitted with a Special Exception from the Board of Adjustment
 CUP = Permitted with a Conditional Use Permit from the City Council

8.2 Use Criteria: All uses listed as X/C in Table 8.1 shall also meet the following standards in Table 8.2

Table 8.2 – Use Criteria

Use		District	Location & Design Criteria
Non-Residential Uses			
Retail sales or service (personal service uses) with drive through facilities		Corridor Commercial Sub-Districts 1 & 2	Service windows and stacking lanes for drive-thru businesses shall have a minimized impact on public streets, particularly at corner sites. In cases where site constraints require the location of the drive-thru lanes between the street and the building, the view of the lanes should be minimized with the use of landscaping and other design elements.
Auto-related Sales or Service establishments		Corridor Commercial Sub-Districts 1 & 2	Automobiles or related items for sale shall be located behind the primary structure. Service bays shall not face a public street unless screened. Site design shall provide for safe, comfortable passage for pedestrians across the property where it abuts a public street. Various site design options will be considered by staff, but any design proposal shall insure pedestrians and drivers entering or exiting the site can see each other clearly and in enough time to avoid a crash. Other design options include, but are not limited to, providing a median or other pedestrian refuge for drive approaches 30 feet or wider, providing and maintaining clearly marked crosswalks across driveways or drive approaches, and other means of alerting drivers to the potential presence of pedestrians.
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services <u>with drive through facility</u>		Corridor Commercial Sub-Districts 1 & 2	Service windows and stacking lanes for drive-thru businesses shall have a minimized impact on public streets, particularly at corner sites. In cases where site constraints require the location of the drive-thru lanes between the street and the building, the view of the lanes should be minimized with the use of landscaping and other design elements.
Food Service Uses such as full-service restaurants, fast food establishments, cafeterias, bakeries and snack bars <u>with drive through facilities</u>		Corridor Commercial Sub-Districts 1 & 2	Service windows and stacking lanes for drive-thru businesses shall have a minimized impact on public streets, particularly at corner sites. In cases where site constraints require the location of the drive-thru lanes between the street and the building, the view of the lanes should be minimized with the use of landscaping and other design elements.
Residential Uses			
Home occupations		Corridor Commercial Sub-Districts 1 & 2	Home Occupations are permitted as allowed in Kennedale City Code Section 17-423.
Multi-family residential Upper Floor		Corridor Commercial Sub-Districts 1 & 2	Residential uses may not exceed fifty percent (50%) of the structure's gross floor area.
Other Uses			
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc.)		Corridor Commercial Sub-Districts 1 & 2	- Fleet parking and outdoor storage are prohibited. - Radio & television towers, Microwave towers, and telephone exchanges require a special exception from the Board of Adjustment.
Parking, surface (accessory use of		Corridor Commercial Sub-Districts 1 & 2	Parking shall be screened as required by this Code. Commercial parking lots (parking for a fee) are not permitted.

Table 8.2 – Use Criteria

Use		District	Location & Design Criteria
	property)		
	Outdoor Display	Corridor Commercial Sub-Districts 1 & 2	Outdoor display is permitted when in compliance with Section 4-227 of the Kennedale City Code. Outdoor display shall not be used for storage. For the purposes of this Code, “display” means the exhibition of goods, wares, or merchandise for sale. Vehicles, trailers, or boats shall not be displayed outdoors. Items displayed outdoors shall be located within 15 feet of the primary building entrance and shall not exceed more than 20% of the width of the front façade.
	Antennas including cell, accessory, and mounted on top of buildings	Corridor Commercial Sub-Districts 1 & 2	Satellite antennas shall be regulated under Section 17-417 of the Kennedale City Code. Other uses under this category require a special exception from the Board of Adjustment.
	Wind energy equipment	Corridor Commercial Sub-Districts 1 & 2	- Freestanding wind energy equipment shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances, including height limits. Wind energy production/generation shall not be the primary use of any property within the Corridor Commercial Sub-Districts 1 & 2. - Wind energy equipment shall comply with the height requirements and other requirements for accessory buildings as regulated by Kennedale City Code Section 17-405. - Wind energy equipment shall be subject to Chapter 15, Article V of the Kennedale City Code concerning loud noises (nuisances). - All portions of the wind energy system shall be a non-reflective, non-obtrusive color, subject to the approval of the Planning Director. - Wind energy equipment shall not be used for displaying any advertising and shall not be illuminated. - The electrical collection system shall be placed underground within the interior of each parcel. - A building permit and any other permit related to work required to install wind energy equipment shall be obtained prior to installation of any wind energy equipment.
	Solar energy equipment	Corridor Commercial Sub-Districts 1 & 2	- Freestanding solar collectors shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances, including height limits. Solar energy production/generation shall not be the primary use of any property within the Corridor Commercial Sub-Districts 1 & 2. - Structurally attached solar collectors are permitted in the Corridor Commercial Sub-Districts 1 & 2. “Structurally attached solar collector” means solar collectors attached to an existing structure’s roof or wall or serving as a structure’s roof, wall, window or other structural member. Structurally attached solar collectors installed on a building with a sloped roof shall not project vertically above the peak of the roof. Structurally attached solar collectors installed on a building with a flat roof shall not project vertically more than five (5) feet above the roof. - Roof-mounted or structurally attached solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground-mounted solar energy equipment shall comply with the height requirements and other requirements for accessory buildings as regulated by Kennedale City Code Section 17-405. - A building permit, electrical permit, or any other permit related to work required to install solar energy equipment shall be obtained prior to installation of any solar energy equipment.
	Special Event	Corridor Commercial Sub-Districts 1 & 2 Green Corridor Sub-District 1	- Special Events require approval from the City Council. Flea markets are prohibited (indoor or outdoor). - Special Events require approval from the City Council. - It shall be unlawful to place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind whatever, or to attach to any tree, shrub, fence, railing, post within the Green Corridor; provided, however, the city manager, or his designee, may permit in writing the erection of temporary decorations on occasions of public celebrations or holidays.

SECTION 2.

Section 17-421 of the Zoning Ordinance of the City of Kennedale, Texas, as amended, is hereby amended by replacing the uses permitted in the "OT" Old Town district with the following four sub-districts as follows:

Use	OT			
	SD-1	SD-2	SD-3	SD-4
	SF residential	SF residential & retail in SF design	Town Center	Mixed Use
Residential Uses:				
Single-family dwelling	X	X		
Two-family dwelling	X	X		
Three-family dwelling		X		
Four-family dwelling		X		X
Apartment or multi-family building				
Manufactured home				
Industrialized housing				
Manufactured home park				
Townhouse				X
Condominiums				X
Recreational vehicle park				
Boarding (rooming) house		X		X
Child day care home	X	X		
Group home				
Group day care home				
Halfway house				
Guest house/servants quarters	X	X		
Accessory building	X	X	X	X
Basketball court (private)	X	X	X	X
Tennis court (private)	X	X	X	X
Swimming pool (private)	X	X	X	X
Home occupation (2)	X	X		X
Agricultural/Ranch Uses:				
Farm or ranch				
Farmer's market		CUP	CUP	CUP
Use	OT			

	SD-1 SF residential	SD-2 SF residential & retail in SF design	SD-3 Town Center	SD-4 Mixed Use
Grainery or gin			CUP	CUP
Micro-winery, with vineyard		CUP		CUP
Orchard				
Produce stand		X	S	X
Rodeo ground, arena (public)				
Stable, private	CUP	CUP		
Stable, public				
Vineyard		CUP		CUP
Winery, with vineyard		CUP		CUP
Utility/Solid waste uses:				
Cable TV lines	X	X	X	X
Electric substations	S	S	S	S
Gas regulations/gate station	S	S	S	S
Gathering station	S	S	S	S
Microwave tower	S	S	S	S
Radio & television tower	S	S	S	S
Railroad freight terminal	S	S	S	S
Railroad yard	S	S	S	S
Recycling collection facility				
Refuse transfer station	S	S	S	S
Sewer lift station	X	X	X	X
Telephone exchange	S	S	S	S
Utility poles and lines	X	X	X	X
Utility mains and lines	X	X	X	X
Wastewater treatment plant	S	S	S	S
Water pump station	X	X	X	X
Water storage tank	X	X	X	X
Water treatment plant	S	S	S	S
Water well	S	S	S	S

Use	OT			
	SD-1	SD-2	SD-3	SD-4
	SF residential	SF residential & retail in SF design	Town Center	Mixed Use
Government & Institutional Uses:				
Athletic field or stadium	S	S	S	S
Auditorium or amphitheater	S	S	S	S
Basketball courts (public)	S	S	S	S
Baseball/softball (public)	S	S	S	S
Cemetery or mausoleum	S	S	S	S
Church or rectory	X	X	X	X
College or university	S	S	X	S
Community center	S	S	X	S
Convalescent center	S	S	S	X
Fire station	S	S	X	X
Government office	S	S	X	X
Hospital	S	S	X	X
Library	S	X	X	X
Museum or art gallery	S	X	X	X
Park or playground	X	X	X	X
Police station	S	X	X	X
Post office	S	X	X	X
Prison or penitentiary				
Sanitarium	S	X	S	X
School (nursery or kindergarten)	S	S	X	X
School (trade or business)	S	S	X	X
School (elementary or middle)	S	S	X	X
School (high school)	S	S	X	X
Soccer fields (public)	S	S	S	S
Swimming pool (public)	S	S	S	S
Tennis court (public)	S	S	S	S
Commercial Uses:				
Amusement park (outside)				
Animal shelter				

Use	OT			
	SD-1 SF residential	SD-2 SF residential & retail in SF design	SD-3 Town Center	SD-4 Mixed Use
Antique shop		X	X	X
Apparel or clothing store		X	X	X
Appliance repair shop		X	X	X
Appliance store (retail)		X	X	X
Arcade			X	X
Art supply store		X	X	X
Athletic or fitness club		X	X	X
Auction		X	X	X
Audio store (retail)		X	X	X
Auto inspection station				X
Auto paint & body shop				S
Auto parts store		X		X
Auto rental				X
Auto repair garage				S
Auto sales lot				
Bakery (retail)		X	X	X
Bank or financial institution ^b		X	X	X
Bed & breakfast accommodations		X	S	X
Barber or beauty shop		X	X	X
Bicycle sales and repair		X	X	X
Boat sales				
Boat storage				
Book store		X	X	X
Bowling alley				S
Brewery		S	S	S
Building materials/lumber yard				
Bus terminal				S
Business office		X	X	X
Cabinet shop		S	S	S
Camera store (retail)		X	X	X

Use	OT			
	SD-1 SF residential	SD-2 SF residential & retail in SF design	SD-3 Town Center	SD-4 Mixed Use
Car wash			S	S
Carnival or circus			S	S
Carpet store (retail)		X	X	X
Cemetery monument sales		X	X	X
Child care center or facility		X	X	X
Christmas tree sales		S	S	S
Computer store (retail/service)		X	X	X
Contractor yard (outside storage)				
Convenience stores		X	X	X
Dental clinic or office		X	X	X
Department store			CUP	CUP
Electrical sales & service		S	X	X
Electronics store (retail)		X	X	X
Employment agency		X	X	X
Farm implement sales				X
Feed store				X
Feed store with animal sales				S
Firewood sales				S
Florist shop		X	X	X
Flea market (inside)		S	S	S
Flea market (outside)				
Fraternity/sorority lodge		X	X	X
Furrier				
Furniture store (retail)		X	X	X
Game hall		X	X	X
Gift or novelty shop		X	X	X
Golf course				
Golf course, miniature				S
Golf driving range				S
Grocery store		X	X	X

Use	OT			
	SD-1 SF residential	SD-2 SF residential & retail in SF design	SD-3 Town Center	SD-4 Mixed Use
Gun shooting range (indoor)				S
Gunsmith shop		S	S	X
Hardware store		X	X	X
Heating/AC sales and service		X	X	X
Heavy equipment sales				S
Hobby shop		X	X	X
Hotel or motel			X	X
Impounded vehicle storage facility				
Insurance sales office		X	X	X
Jewelry store		X	X	X
Kennel				S
Laboratory, medical or dental				X
Large retail facility ⁴			CUP	CUP
Laundry or dry cleaners		X	X	X
Lawnmower sales & service			X	X
Leather goods shop (retail)		X	X	X
Lithographic shop		X	X	X
Locksmith shop		X	X	X
Meat, poultry & fish market		X	X	X
Medical clinic or office		X	X	X
Micro-brewery		X	X	X
Micro-winery, without vineyard		X	X	X
Mini-warehouse				
Manufactured home sales lot				
Massage establishment		S	X	X
Mortuary or funeral home			X	X
Motorcycle sales				
Movie theater (drive-in)		S	S	S
Movie theater (indoor)			X	X
Musical instrument store		X	X	X

Use	OT			
	SD-1 SF residential	SD-2 SF residential & retail in SF design	SD-3 Town Center	SD-4 Mixed Use
Newspaper office		X	X	X
Newsstand			X	X
Nightclub or dance hall			X	X
Office supply store			X	X
Optical clinic or office		X	X	X
Optical dispensary store		X	X	X
Paint sales store(retail)		X	X	X
Paintball sports, survival games		S	S	S
Parking lot (commercial, for fee)			S	S
Pawnshop			S	S
Pet grooming shop		X	X	X
Pet shop		X	X	X
Pharmacy or drug store		X	X	X
Photography studio		X	X	X
Picture framing shop		X	X	X
Plant nursery		X	X	X
Plumbing sales and service		X	X	X
Pool or billiard hall			X	X
Print shop		X	X	X
Private club (serving alcohol)		X	X	X
Professional offices		X	X	X
Racquetball court			S	S
Real estate or leasing office		X	X	X
Recording studio		X	X	X
Recreational vehicle sales				
Recreational vehicle storage				
Rental store		S	S	S
Restaurant or cafe (inside)		X	X	X
Restaurant (drive-in)				
Restaurant (kiosk)		X	X	X

Use	OT			
	SD-1 SF residential	SD-2 SF residential & retail in SF design	SD-3 Town Center	SD-4 Mixed Use
Retail sales, alcohol		X	X	X
Secondhand store		X	X	X
Service station			S	S
Sexually oriented business				
Shoe or boot store		X	X	X
Sign shop		X	X	X
Skating rink			X	X
Snow cone stand		X	X	X
Sporting goods store			X	X
Tack store				
Tailor or seamstress shop		X	X	X
Tanning salon		X	X	X
Tattoo shop		S	X	X
Taxidermist				
Tire sales, repair, & installation				X
Title & abstract office		X	X	X
Tool & equipment rental		X	X	X
Trailer sales & rental				
Travel agency		X	X	X
Truck rental				
Truck repair				
Truck sales				
Truck wash				
Upholstery shop		X	X	X
Vehicle storage facility				
Vehicular racing facility				
Veterinary clinic		X	X	X
Veterinary hospital				X
Video store		X	X	X
Washateria (self-service)			X	X

Use	OT			
	SD-1	SD-2	SD-3	SD-4
	SF residential	SF residential & retail in SF design	Town Center	Mixed Use
Winery, without vineyard		X	X	X
Industrial Uses:				
Airport				
Ammonia manufacturing				
Amusement complex				
Apparel manufacturing				
Appliance manufacturing				
Artificial limb manufacturing				
Asphalt batching plant				
Bakery, commercial				X
Bleach manufacturing				
Bookbinding & publishing				
Bottling plant				
Box manufacturing				
Brick or tile manufacturing				
Canning operation		S	S	X
Carpet manufacturing				
Chemical storage or manufacturing				
Chlorine manufacturing				
Cold storage plant				
Composite manufacturing				
Composting (commercial)				
Concrete batching plant				
Concrete product casting plant				
Contractor yard (outside storage)				
Creamery		S	S	X
Creosote manufacturing				
Distribution center (small)				
Distribution center (large)				
Distillation plant				

Use	OT			
	SD-1	SD-2 SF residential & retail in SF design	SD-3 Town Center	SD-4 Mixed Use
Dyeing plant				
Electrical components manufacturing				
Electroplating				
Envelope manufacturing				
Explosives manufacturing				
Fertilizer manufacturing				
Fiberglass manufacturing				
Fireworks manufacturing				
Food processing				
Foundry				
Freight terminal, motor				
freight terminal, railroad				
Furniture manufacturing				
Garment manufacturing				
Glass manufacturing				
Glue manufacturing				
Grainery or gin				
Gypsum manufacturing				
Heliport or helistop				
Ice cream plant				
Ice plant				
Incinerator				
Insecticide processing				
Junk yard				
Laundry plant				
Light fabrication plant				
Machine shop			S	X
Marble manufacturing				
Mattress manufacturing				
Meat, poultry & fish processing				
Use	OT			
	SD-1	SD-2	SD-3	SD-4

	SF residential	SF residential & retail in SF design	Town Center	Mixed Use
Metal fabrication				
Metal plating				
Metal stamping and extrusion				
Mining, extraction operation				
Monument works				
Packaging operation				
Paint manufacturing				
Pallet manufacturing				
Paper mill				
Paper products manufacturing				
Pesticide processing				
Petroleum products (wholesale)				
Petroleum refinery or storage				
Pharmaceutical manufacturing				
Planing mill				
Plastic product manufacturing				
Pottery manufacturing				
Recycling processing plant				
Rendering plant				
Rock crushing plant				
Salvage yard				
Smelter plant				
Tanning plant				
Television transmitting station				
Temporary construction office				
Textile manufacturing				
Tire manufacturing				
Tire recapping plant				
Vehicle conversion facility				
Warehouse				
Welding shop			S	S

- a. The owner of the property for which the approval is sought, and all property owners within 200 feet of the subject property, shall be notified of the public hearing by mail.
 - b. ~~Representatives of any neighborhood organizations that have registered with the City Secretary shall be notified if any area within the boundaries of such organization falls within the 200-foot radius area for property owner notice.~~
 - b.c. Mailed notice to property owners shall be required only for the initial presentation of the proposed development at a public hearing. Additional mailed notice in the case of a continuance or other situation where the application is not decided at the initial public hearing shall not be required unless otherwise directed by the city.
 - c.d. The applicant shall be responsible for paying any additional fees for the purposes of re-notifying adjacent property owners if the hearing is deferred or continued at the applicant's request. The Administrator shall be responsible for preparing and mailing additional notices.
 - d.e. If an item scheduled for initial presentation at a public hearing is withdrawn by the applicant without having been presented, then the applicant shall pay any additional fees for the purposes of re-notifying adjacent property owners of the future meeting at which the item will be considered in accordance with this section.
3. Posted Notice. Projects abutting more than one right-of-way may be required to post additional notices and all notices shall include the following information:
- a. Rezoning and Conditional Use Permits. At least one (1) sign erected on the property shall have a total area of at least four (4) square feet. This sign shall, if possible, be located adjacent to a street and in a conspicuous place. The sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council or when the applicant withdraws the request, whichever comes first. The sign shall state the category of request and the telephone number of the city offices from where dates of public hearings and more information about the request may be obtained. The erection or continued maintenance of sign shall not be deemed a condition precedent to the granting of any zoning change or conditional use permit or holding of any public hearing.
 - b. Special Exceptions and Variances. At least one (1) sign erected on the property shall have a total area of at least four (4) square feet. This sign shall, if possible, be located adjacent to a street and in a conspicuous place. The sign should state that a request for a special exception or variance has been made on that particular property and the telephone number of the city offices from where dates of public hearings and more information about the request may be obtained. The sign should be erected prior to the hearing as early as possible and convenient. The erection and continued maintenance of this sign, however, shall not be deemed a condition precedent to the granting of any zoning variance, special exception, or the holding of any public hearing.

- B. *Engineering/Construction Drawings.* When the city has determined that public improvements are required, the applicant, or his engineer, shall submit construction plans for all public improvements along with the final plat for approval by the city. The engineering drawings shall conform to the requirements of the design manual and shall be prepared and sealed by a registered professional engineer, licensed to practice in the state.
- C. *Public Works Construction Permit Required.* Construction shall not start on any street, sidewalk, drainage, utility or public improvement until a public works construction permit and an acceptable two (2) year maintenance bond has been issued for all facilities in the subdivision or the approved phase of the said subdivision.
- D. *Inspection of Proposed Public Facilities.* The Public Works Department shall provide for inspection of required public improvements during construction and insure their satisfactory completion. If the Administrator finds upon inspection that any of the required improvements have not been constructed in accordance with city construction standards and specifications, the applicant shall be notified that building permits will not be issued until all inconsistencies have been corrected. All construction debris or waste shall be removed from all areas of the subdivision prior to the issuance of the letter of acceptance of public improvements by the Public Works Public Works Director
- E. *Final Walk-Through and Construction Debris.* ~~The developer of a subdivision shall arrange for a final walk-through inspection with the building official.~~ No cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of completion of public facilities. Removal of all debris and waste shall be required prior to approval and acceptance of all public improvements and prior to the issuance of any building permit or certificate of occupancy.
- F. *Acceptance.*
1. Public improvements shall not be officially accepted until the improvements have been inspected by the city, corrections are made in the field and on the approved infrastructure construction plans, a reproducible copy of the as-built drawings is provided to the Public Works Department, and a warranty is provided to the city.
 2. The Public Works Department shall issue a formal letter of acceptance of public improvement projects, upon completion and approval, which will and authorize the issuance of building permits.
- G. *Warranty.*
1. Public improvements must have a warranty guaranteeing the work against defects for a period of two (2) years from the date of final acceptance of construction.
 2. If public improvements are constructed at different times, then the guarantee shall continue until two (2) years from the date of final acceptance of the improvement last completed.
 3. The warranty shall list the City of Kennedale as a beneficiary.
 4. A warranty surety shall be provided in an amount of 15 percent of the estimated value of the warranted improvement. The surety shall expire six (6) months after the expiration of the warranty period.

Section 26.14 Construction Surety

- A. *Review.* If all development-related improvements and installations are not completed and accepted by the city prior a final plat application submittal, a security instrument shall be posted, in lieu of completion of the work, in an amount of 125 percent of the estimated construction cost of the development related improvements which remain incomplete and with surety and conditions satisfactory to the city, providing for and securing to the city the actual construction and installation of improvements.