KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION

AGENDA
COMMISSIONERS - REGULAR MEETING
September 21, 2017
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 regulations for shipping containers

C. Discuss tree preservation regulations

D. Discuss ideas for regulations concerning planned development districts for infill properties

E. Discuss code enforcement regulations

IV. *REGULAR SESSION*

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

A. Consider approval of minutes from the July 2017 Planning & Zoning Commission meeting.

VIII. VISITOR/CITIZENS FORUM

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

IX. REGULAR ITEMS

X. REPORTS/ANNOUNCEMENTS

XI. ADJOURNMENT

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

CERTIFICATION

I certify that a copy of the September 21, 2017, 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

KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

STAFF REPORT TO THE BOARD OF DIRECTORS

Date: September 21, 2017

Agenda Item No: *WORK SESSION* - A.

I. Subject:
Discuss any item on the regular session agenda

II. Originated by:

III. Summary:

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

STAFF REPORT TO THE PLANNING & ZONING COMMISSION

Date: September 21, 2017
Agenda Item No: WORK SESSION ITEMS (B)

I. SUBJECT

Discuss regulations related to the use of shipping containers

II. SUMMARY

BACKGROUND

The Planning & Zoning Commission did not have a quorum for its July work session, so the items posted for that work session were not discussed, and there was no meeting in August. This item was therefore postponed until September. July's staff report is repeated below for the benefit of this month's discussion. *NOTE: staff will compile comments from the Commission to pass along to the new planner.*

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

Over the past several meetings, the Planning & Zoning Commission has been discussing possible regulations for shipping containers. The city currently has no regulations in place specifically regarding shipping containers (although we do have regulations for outside storage), and with the growing use of these containers nationwide for storage and occupancy purposes, staff recommends adopting regulations to govern their use.

Staff had intended to have an ordinance prepared for public hearing and formal consideration by the Commission this month. Due to the absence of several Commission members at last month's meeting, however, staff has postponed this step for one month. Following this report is the draft ordinance based on previous discussions. After receiving feedback from the Commission on this draft, staff will prepare a final draft of the ordinance for formal consideration next month.

ORDINANCE NO. 629

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING ARTICLE 11 SPECIFIC USE REQUIREMENTS TO ADD REGULATIONS REGARDING THE USE OF SHIPPING CONTAINERS AND BY AMENDING ARTICLE 32 GENERAL DEFINITIONS; 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 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 August 17, 2017, and the City Council of the City of Kennedale, Texas held a public hearing on August 21, 2017, with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, Article 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.

Sub-section 11.2.C of Section 11.2 “Accessory Buildings” of the Unified Development Code of the City of Kennedale, Texas is hereby amended to read as follows.

C. **Non-Residential Uses and Districts.** The size of accessory buildings is subject to the spatial requirements for accessory buildings for the applicable zoning.

1. *Shipping containers used as accessory buildings*.
Shipping containers may be used as accessory buildings provided the containers meet all spatial requirements for structures within the zoning district, including height limits, maximum lot coverage requirement, and minimum masonry requirements.

(a) A shipping container shall meet all building and fire codes for the accessory use before occupancy shall be permitted.
(b) Shipping containers are not permitted as primary structures.
(c) Shipping containers used to store flammable and/or hazardous materials shall be properly ventilated, and the materials stored in the structure must be properly identified on the container.
(d) Shipping containers permitted within the city shall have a maximum height of nine and a half (9.5) feet unless otherwise stated in this Code and a maximum length of fifty-three (53) feet.

SECTION 2.

Section 11.25 “Outdoor Storage, Commercial and Industrial (Accessory or Principal)” of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to add sub-section “l” as follows.

l. **Shipping Containers.** In addition to the requirements listed above, use of shipping containers is permitted as stated below.

1. Shipping containers may be used on a temporary basis to store supplies and equipment for construction sites with an active construction permit. All shipping containers shall be removed before a final inspection will be authorized, and no occupancy of a shipping container is permitted.

2. Where outdoor storage is permitted in commercial or industrial zoning districts, shipping containers may be used on a permanent basis for storage as stated below.

a. Such containers are only permitted as part of permitted land uses that include outdoor storage, such as General Offices & Services – Construction and Building Services.

b. Shipping containers must comply with the requirements of this section, including screening and location requirements and shall meet all applicable building code requirements for accessory structures.

c. The area of any shipping container used shall be included in the maximum allowed outdoor storage of 33 percent of the lot, as described in sub-section A.

d. A permit shall be required for shipping containers to be used on a permanent basis, although one permit may be used for all shipping containers to be stores on a site. For the purposes of this requirement, “permanent” shall mean any shipping container that is not used for a construction project with an active construction permit issued for the site where the shipping container will be located.

e. Shipping containers are prohibited within the Commercial Corridor Overlay district.

f. No water, waste water, gas, or electrical connection shall be permitted for shipping containers used for storage.

g. Storage of flammable or hazardous materials shall be in accordance with fire codes.

SECTION 3.

Section 32.2 “General Definitions” of the Unified Development Code of the City of Kennedale, Texas is hereby amended to add the following definition.

Shipping container. A standardized, all-steel, reusable vessel originally intended for the intermodal shipment of goods, freight, or commodities and designed to be loaded onto a ship or rail car.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Unified Development Code of the City of Kennedale, Texas (2016), 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, clauses and sections of this ordinance are severable, and if any section, paragraph, sentence, 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 the development and use of property 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, 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 21st DAY OF AUGUST, 2017.

APPROVED:

_____
MAYOR, BRIAN JOHNSON

ATTEST:

_____
CITY SECRETARY, LESLIE GALLOWAY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

_____
CITY ATTORNEY, WAYNE OLSON

KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

STAFF REPORT TO THE PLANNING & ZONING COMMISSION

Date: September 21, 2017
Agenda Item No: WORK SESSION ITEMS (C)

I. SUBJECT

Discuss tree preservation regulations

II. SUMMARY

BACKGROUND & OVERVIEW

The Planning & Zoning Commission did not have a quorum for its July work session, so the items posted for that work session were not discussed, and there was no meeting in August. This item was therefore postponed until September. July's staff report is repeated below for the benefit of this month's discussion. *NOTE: staff will compile comments from the Commission to pass along to the new planner.*

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

During the past several meetings, the Planning & Zoning Commission has been discussing possible changes to the tree preservation regulations. Last month, the conclusion of the Commission's discussion was that it is reasonable to exempt building pads from the requirements for tree preservation but not to exempt parking areas. The draft ordinance following this page is based on the Commission's discussions. If the ordinance meets the Commission members' intent, staff will place the ordinance on the Commission's agenda next month for formal consideration and public hearing.

ORDINANCE NO. 632

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING ARTICLE 20 NATURAL RESOURCES MANAGEMENT TO AMEND TREE PROTECTION REQUIREMENTS; 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 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 tree protection requirements of 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 August 17, 2017, and the City Council of the City of Kennedale, Texas held a public hearing on August 21, 2017, with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, Article 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.

Sub-section 20.4.C of Section 20.4 “New Developments” of the Unified Development Code of the City of Kennedale, Texas is hereby amended to read as follows.

> **Nonresidential Developments.** All areas within street rights-of-way and utility or drainage easements as shown on a preliminary plat approved by the

Planning & Zoning Commission, plus fire lanes to meet minimum requirements and building pads as shown on an approved site plan, shall be exempt from the tree protection and replacement requirements specified herein. Any parking areas in excess of the minimum parking requirements shall not be exempt from the tree protection and replacement requirements. In addition, trees exempted from the protection and replacement requirements due to being located in an exempt area shown on an approved preliminary plat shall be replaced in accordance with Section 20.8 if they are removed and the areas shown as exempt on the preliminary plat are no longer exempt as shown on a revised preliminary plat or a final plat.

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances and of the Unified Development Code of the City of Kennedale, Texas (2016), 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 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and sections of this ordinance are severable, and if any section, paragraph, sentence, 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 4.

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 5.

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 the development and use of property 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 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, 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 7.

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 21st DAY OF AUGUST, 2017.

APPROVED:

_____
MAYOR, BRIAN JOHNSON

ATTEST:

_____
CITY SECRETARY, LESLIE GALLOWAY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

_____
CITY ATTORNEY, WAYNE OLSON

[Excerpt from UDC showing current tree preservation regulations]

Section 20.4 New Developments

A. **Applicability.** All new developments that have not yet made application to the city for development or plat approval as of the effective date of this article shall be subject to the requirements for tree protection and replacement set forth herein.

B. **Residential Developments.** All areas within street rights-of-way, utility or drainage easements as shown on a preliminary plat approved by the Planning & Zoning Commission shall be exempt from the tree protection and replacement requirements specified herein. The developer may request the Administrator to allow trees within potential building pad areas to be included in the exemption described herein. All other areas shall be subject to these requirements. If trees are removed from exempt areas based on an approved preliminary plat, and a revised preliminary plat or a final plat is later approved such that the trees originally exempt would no longer be exempt if still in place, such trees shall be replaced in accordance with *Section 20.8.*

C. **Nonresidential Developments.** All areas within street rights-of-way and utility or drainage easements as shown on a preliminary plat approved by the Planning & Zoning Commission, plus fire lanes, parking areas to meet minimum parking requirements, and building pad as shown on an approved site plan, shall be exempt from the tree protection and replacement requirements specified herein. Any parking areas in excess of the minimum parking requirements shall not be exempt from the tree protection and replacement requirements. In addition, trees exempted from the protection and replacement requirements due to being located in an exempt area shown on an approved preliminary plat shall be replaced in accordance with Section 20.8 if they are removed and the areas shown as exempt on the preliminary plat are no longer exempt as shown on a revised preliminary plat or a final plat.

D. **Permit Requirements.** A tree removal permit shall not be required for removal of a protected tree within an area noted in subsections (1) and (2) of this section. However, a permit must be obtained prior to the removal of any other protected tree on the property.

E. **Administrator Review.**

1. ***Residential Development.*** A developer shall be required to furnish a tree survey showing all proposed improvements (for example, right-of-ways, easements, lot patterns, cut/fill and the like) with the submittal of a site plan, development plan, preliminary plat or final plat, whichever occurs first. The tree survey shall submitted in accordance with the requirements set forth in Appendix D to Ordinance No. 268 and shall be prepared on a sheet drawn to the scale of one (1) inch equal to 100 feet (1:100) or on a computer disk in the format of a commonly used computer-aided design (CAD) program.

2. ***Nonresidential Development.*** A developer shall be required to furnish a tree survey showing all proposed improvements (for example, right-of-ways, easements, lot patterns, cut/fill, fire lanes, parking areas and building pads and the like) with the submittal of a site plan, development plan, construction plan, plot plan or building permit application, whichever occurs first. The tree survey shall submitted in accordance with the requirements set forth in Appendix D to Ordinance No. 268 and shall be prepared on a sheet drawn to the scale of one (1) inch equal to 100 feet (1:100) or on a computer disk in the format of a commonly used computer-aided design (CAD) program.

KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

STAFF REPORT TO THE PLANNING & ZONING COMMISSION

Date: September 21, 2017
Agenda Item No: WORK SESSION ITEMS (D)

I. SUBJECT

Discuss concept of planned development district for infill parcels

II. SUMMARY

BACKGROUND

The Planning & Zoning Commission did not have a quorum for its July work session, so the items posted for that work session were not discussed, and there was no meeting in August. This item was therefore postponed until September. July's staff report concerning planned development districts for infill properties is shown below for the benefit of this month's discussion. *NOTE: staff will compile comments from the Commission to pass along to the new planner.*

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

For the past several months, the Commission has been discussing the idea of planned development districts for infill properties. These regulations are needed because while infill parcels are often challenging to develop and could benefit from use of planned development districts, many of these properties do not meet the minimum five acre requirement for PD districts. Attached to this report is a draft ordinance that would adopt regulations for planned development districts on infill parcels. After receiving feedback from Commission members, staff will revise the ordinance and will be prepared to bring it to the Commission with a public hearing next month.

The attached ordinance shows new language in red font to make it easier for you to review. Please note that the draft ordinance does not distinguish between commercial use and residential use; if adopted, the ordinance would permit both zoning categories to make use of infill planned

development districts.

The maps included with this report show possible infill sites throughout Kennedale. Note that some of the properties already have a structure or structures but could be redeveloped with additional structures after replatting. Also note that the properties were included based on size, shape, and development status, not based on whether the property owner is interested in redevelopment. In many cases, the current owner is probably not interested in selling for development at this time, so inclusion on the map just indicates where infill planned development districts *might* be used, not where they are likely to be used.

ORDINANCE NO. 631

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING ARTICLE 9 PLANNED DEVELOPMENT DISTRICTS TO ADD REGULATIONS REGARDING THE INFILL PLANNED DEVELOPMENT DISTRICTS AND BY AMENDING ARTICLE 27 PLANNED DEVELOPMENT PROCEDURES AND ARTICLE 32 GENERAL DEFINITIONS; 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 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 August 17, 2017, and the City Council of the City of Kennedale, Texas held a public hearing on August 21, 2017, with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, Article 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.

Sub-section 9.1.B of Section 9.1 “Purpose” of Article 9 *Planned Development Districts* of the Unified Development Code of the City of Kennedale, Texas is hereby amended to add the following.

11. Provide the opportunity for the full and effective development of infill parcels that may be difficult to develop under existing zoning district regulations due to their shape, size, topography, or other similar factors inherent to the property itself, but with requirements and restrictions set by ordinance that are intended to ensure appropriate and compatible use and development of the property.

SECTION 2.

Section 9.2 “Qualifying Conditions” of Article 9 *Planned Development Districts* of the Unified Development Code of the City of Kennedale, Texas is hereby amended to read as follows.

The following criteria shall apply to all PDs:

A. **Unified Control**. The development shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as an integral unit.

B. **Minimum Acreage**. The gross area of a tract of land to be developed in a Planned Development District shall be a minimum of five (5) acres. For infill planned development districts, the gross area shall be greater than one (1) acre but less than ten (10) acres.

C. **Recognizable Benefit**. The applicant shall demonstrate that the PD provides at least four (4) of the following site design elements, which could not be attained through a project designed under conventional zoning:

1. Mixed-use development with residential and non-residential uses, or a variety of housing types;

2. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;

3. High quality architectural design beyond the site plan requirements of this article;

4. Extensive landscaping beyond the site plan requirements of this article;

5. Preservation, enhancement, or restoration of natural resources (trees, slopes, wetland areas, views, etc.);

6. Preservation or restoration of significant or historic resources;

7. Provision of open space or public plazas or features;

8. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g. topography, shape etc.);

9. Effective transition between higher and lower density uses, and/or between nonresidential and residential uses; or allowing incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;

10. Shared vehicular and pedestrian access between properties or uses;

11. Mitigation to offset impacts on public facilities (such as street improvements); or

12. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.

13. In addition, infill planned development districts shall also provide each of the following elements:

a. minimum masonry requirement at least 10% higher than the base zoning district when the base zoning district does not already require 100% masonry on all facades;

b. establishment of a Home Owners' Association for residential infill districts;

c. where lot areas are less than the required area of the base district, the developer shall dedicate by plat an area of contiguous open space, which shall be available and accessible to all property owners or residents within the development by means of a street, sidewalk, or drive. The open space must be usable and not occupied by streets, drives, parking areas, or above-ground utility structures. The open space shall be at least 5,000 square feet in size.

D. **Compatibility with Adjacent Uses**. The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, waste receptacles, swimming pools, tennis courts, and facilities of a similar nature, shall not be located near the perimeter of the PD or so as to negatively impact the residential use of adjacent lands. For infill planned development districts, building height shall not exceed that permitted in the adjacent properties that are already developed.

SECTION 3.

Sub-section 27.2.D of Section 27.2 "Zoning Requirements" of Article 27 *Planned Development Procedures* of the Unified Development Code of the City of Kennedale, Texas is hereby amended to read as follows.

D. Modifications. To encourage flexibility and creativity consistent with the intent of the PD, the City Council, after recommendation from the Planning and Zoning Commission, may permit modifications from the density, area, height, and placement requirements for the stated district(s).

1. Any regulatory modification shall be approved through a finding by the City Council, after recommendation by the Planning and Zoning

Commission, that the modification results in a higher quality of development than would be possible using conventional zoning standards or that the modification allows for development of an infill parcel in a manner meeting the requirements of Article 9 and Article 27.

2. All deviations from dimensional requirements shall be listed in a Table of Modifications. Unless modifications are specifically requested and approved by the City Council, the site plan shall comply with the appropriate requirements of the identified zoning districts.

3. For infill planned development districts, lot sizes smaller than 5,000 square feet shall not be permitted for residential zoning districts.

SECTION 4.

Section 32.2 "General Definitions" of the Unified Development Code of the City of Kennedale, Texas is hereby amended to add the following definitions.

Infill parcel. An undeveloped or underdeveloped property that is larger than one (1) acre in size but smaller than ten (10) acres and that is abutted on at least two sides by properties that have already has development.

Infill planned development district. A planned development district located on an infill parcel.

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), 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 6.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and sections of this ordinance are severable, and if any section, paragraph, sentence, 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 the development and use of property 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 21st DAY OF AUGUST, 2017.

APPROVED:

_____
MAYOR, BRIAN JOHNSON

ATTEST:

_____
CITY SECRETARY, LESLIE GALLOWAY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

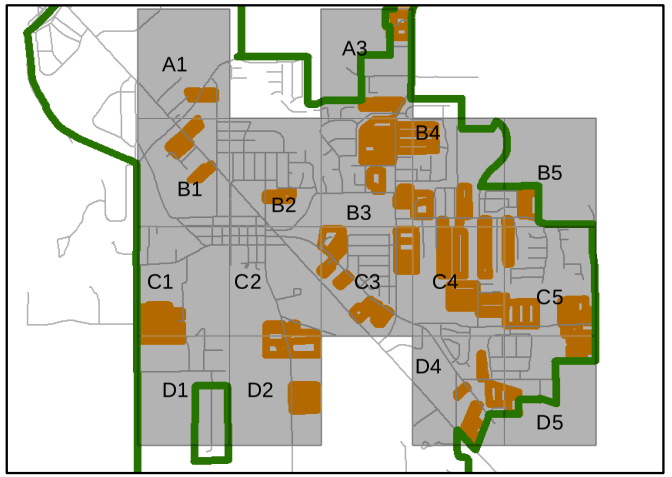
CITY ATTORNEY, WAYNE OLSON

Infill sites
Grid A1

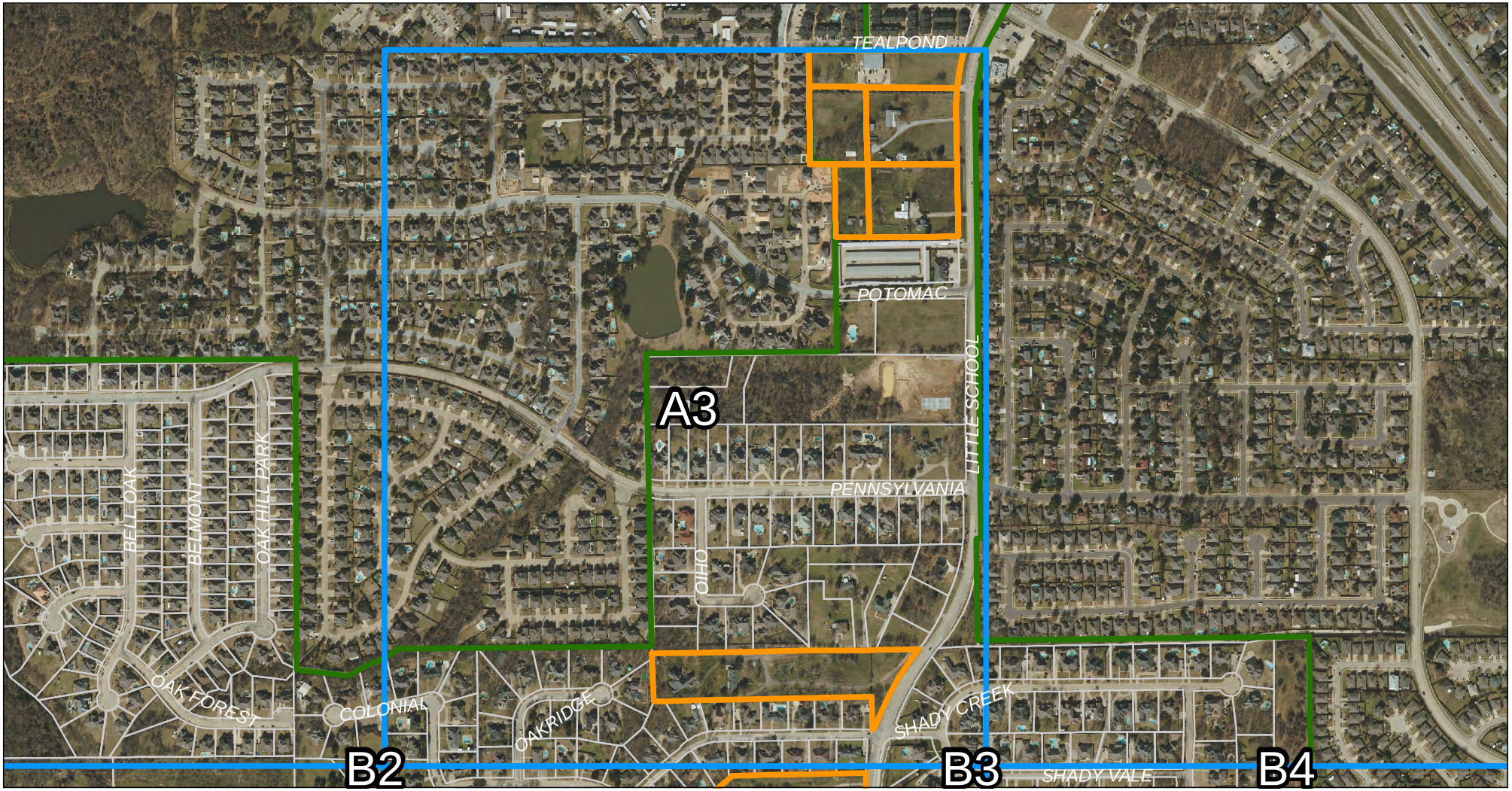
0 200 400 Feet

Symbols

- Grid boundaries
- Infill -- possible sites



Parcel boundary data from theTarrant Appraisal District
Road data from North Central Texas Council of Governments



N

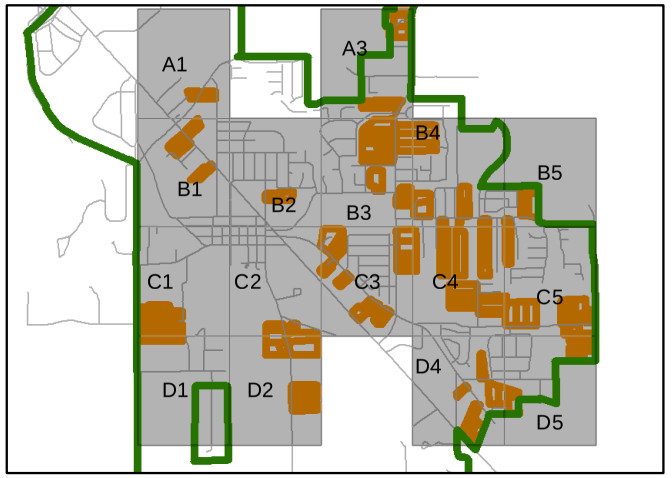
City of KENNEDALE Texas

0 500 1,000 Feet

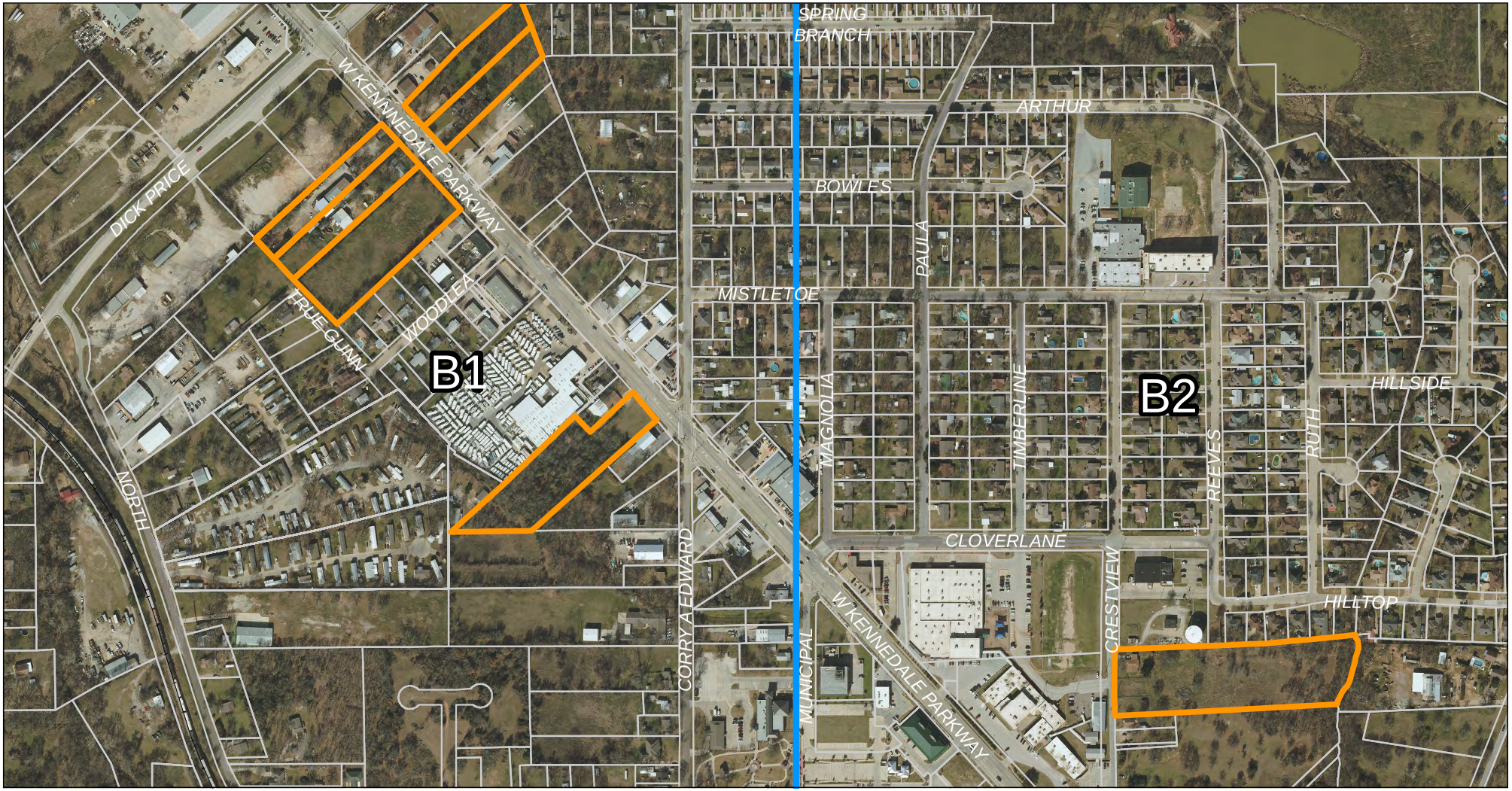
Infill sites
Grids A3

Symbols

- Grid boundaries
- Infill -- possible sites



Parcel boundary data from theTarrant Appraisal District
Road data from North Central Texas Council of Governments



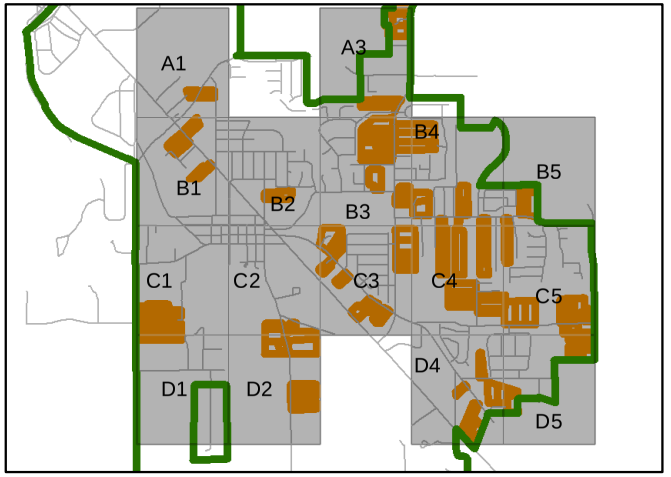
N

0 400 800 Feet

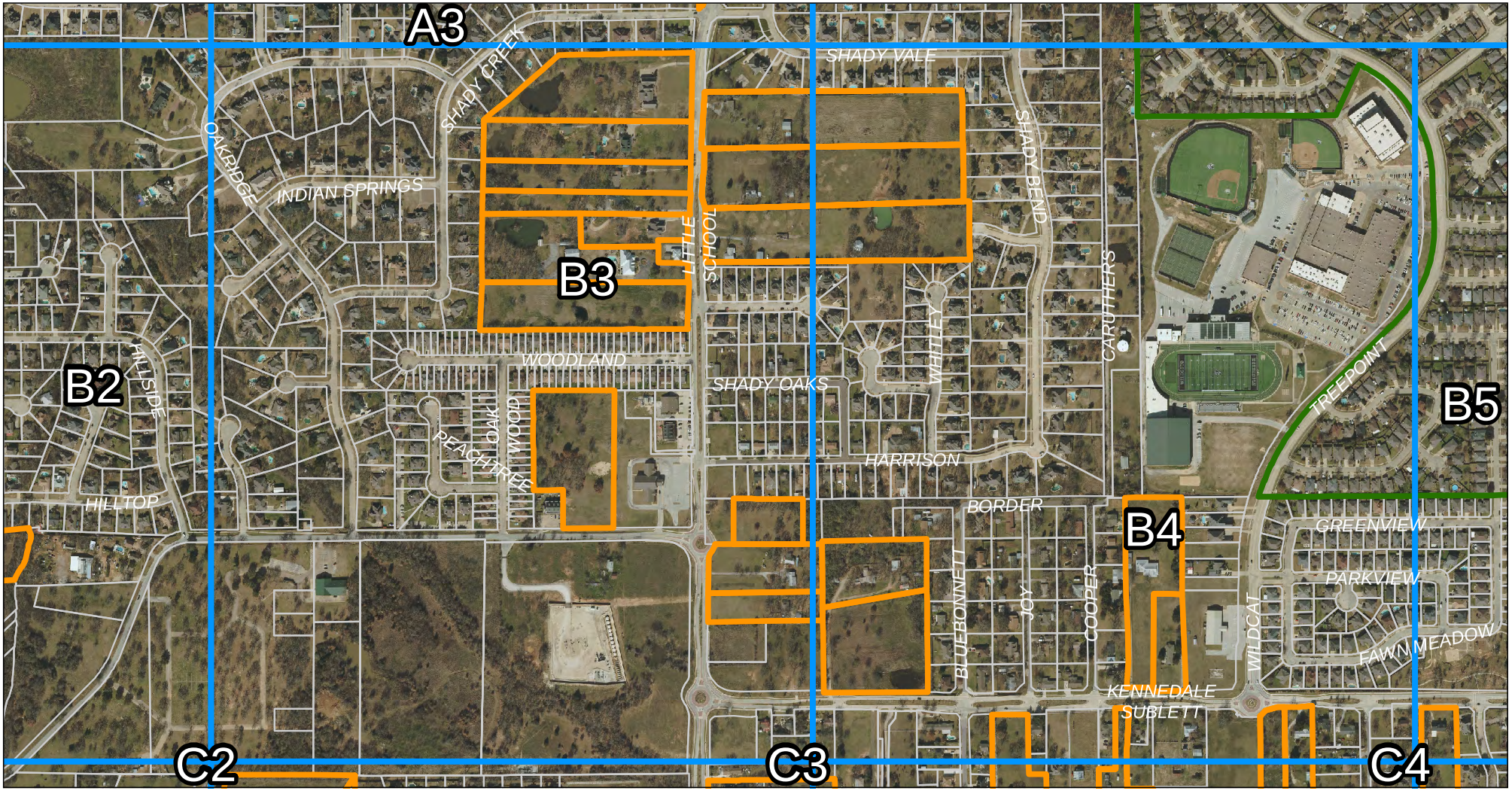
Infill sites
Grids B1 & B2

Symbols

- Grid boundaries
- Infill -- possible sites



Parcel boundary data from theTarrant Appraisal District
Road data from North Central Texas Council of Governments



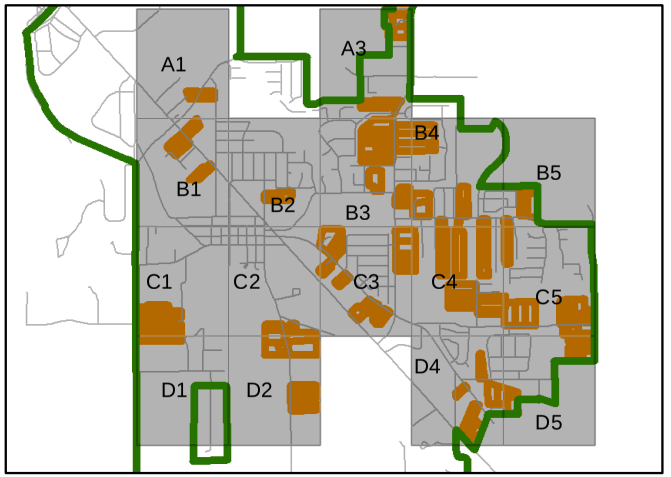
N

0 500 1,000 Feet

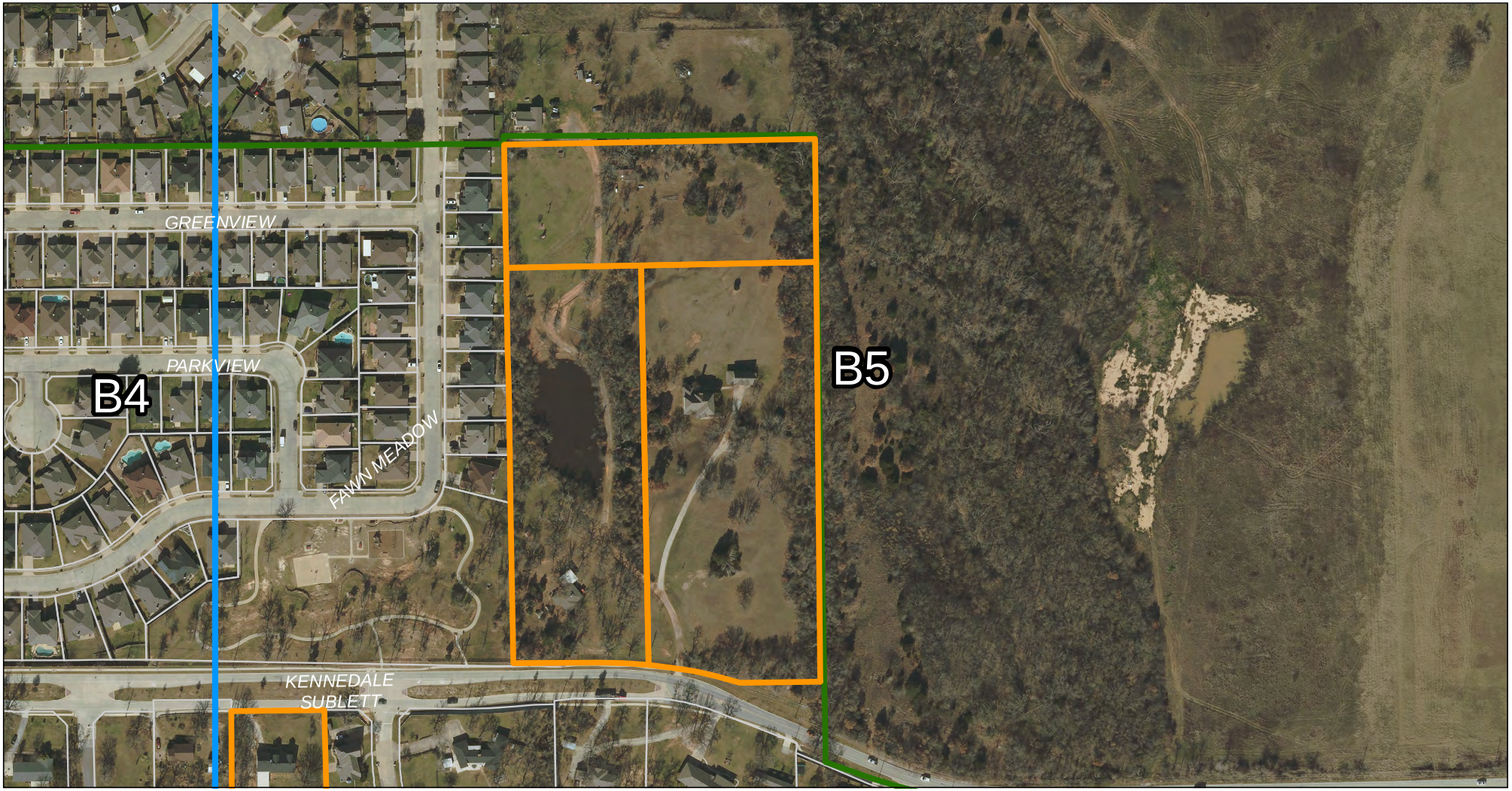
Infill sites
Grids B3 & B4

Symbols

- Grid boundaries
- Infill -- possible sites



Parcel boundary data from theTarrant Appraisal District
Road data from North Central Texas Council of Governments



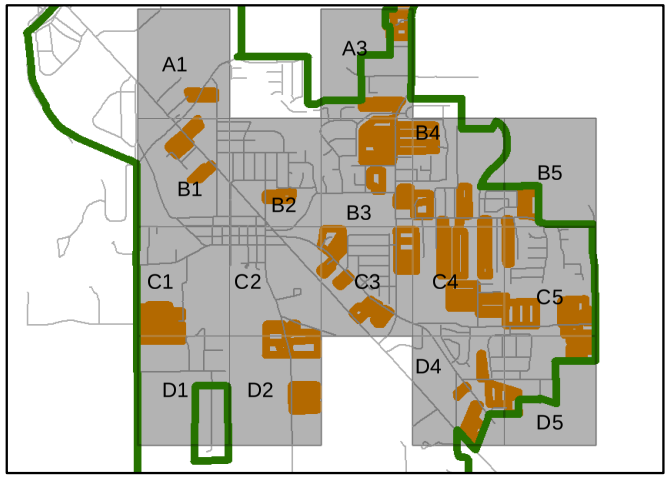
0 250 500 Feet

Infill sites
Grid B5

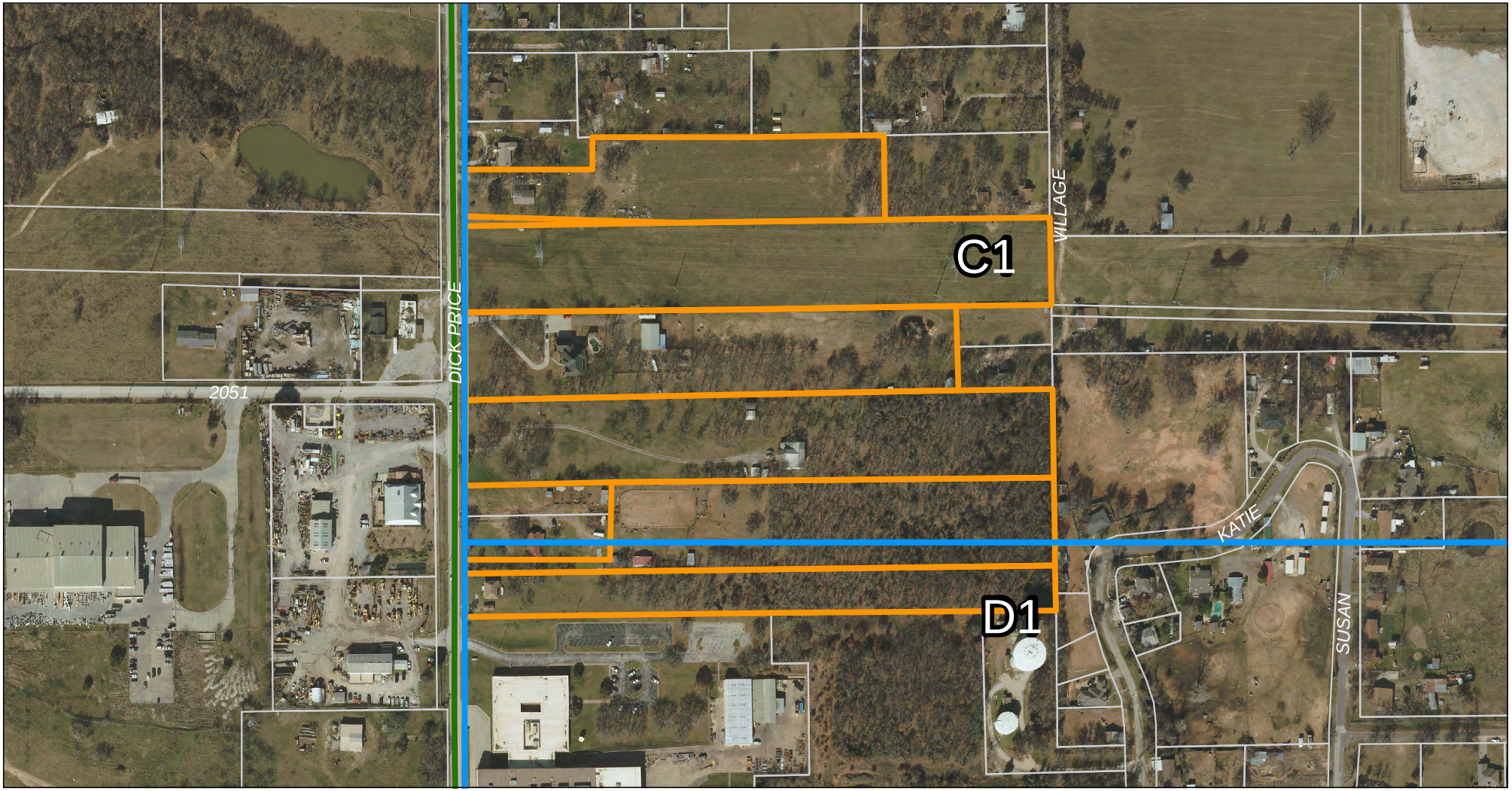
Symbols

Grid boundaries

Infill -- possible sites



Parcel boundary data from theTarrant Appraisal District
Road data from North Central Texas Council of Governments

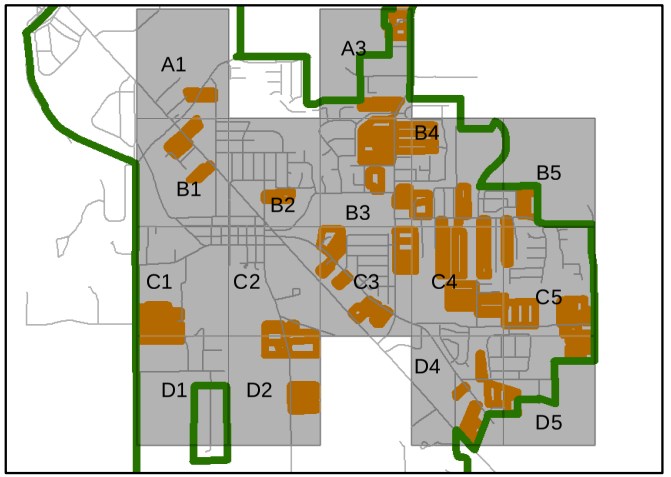


Infill sites
Grids C1 & D1

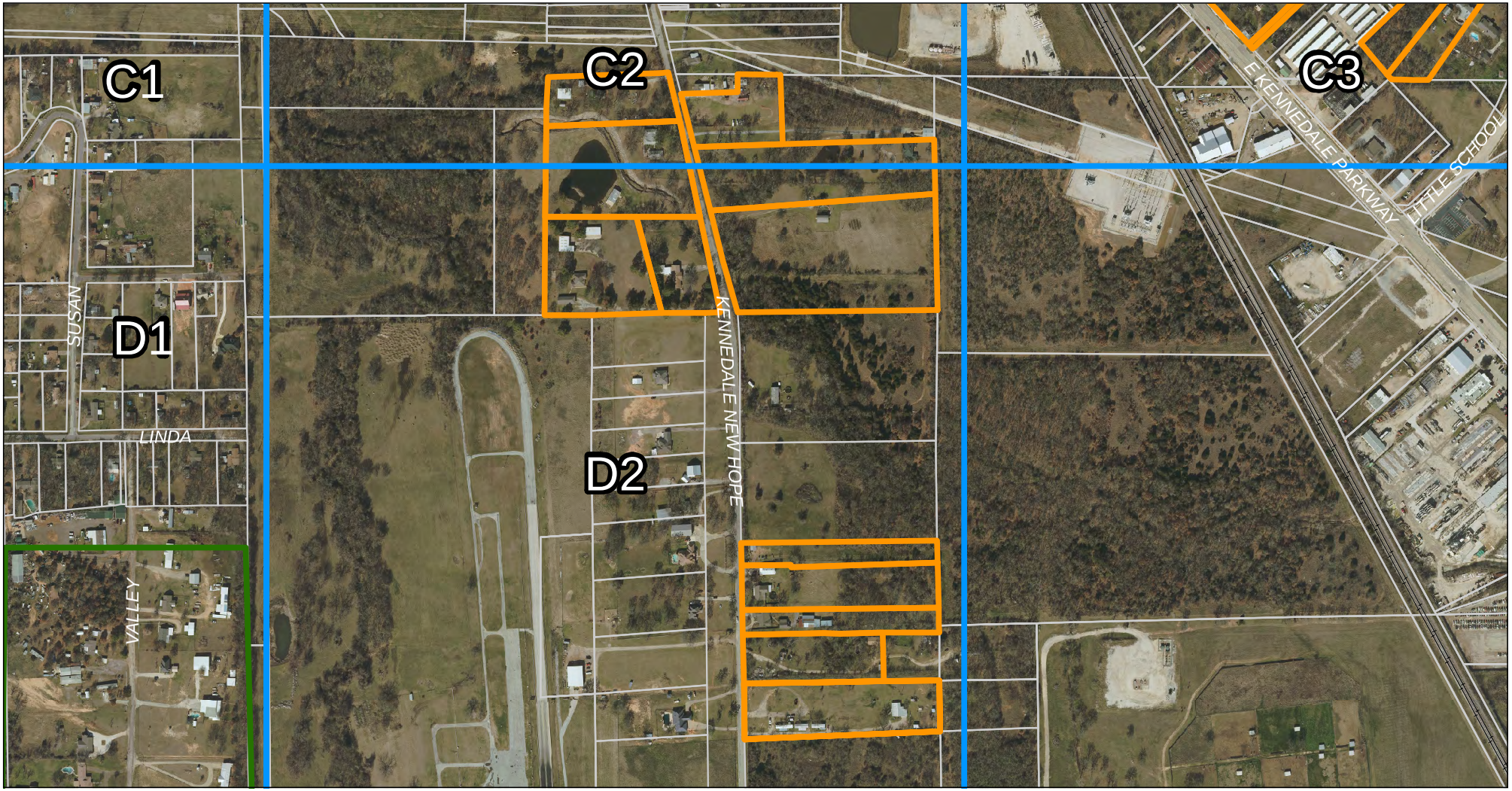
Symbols

- Grid boundaries
- Infill -- possible sites

0 250 500 Feet



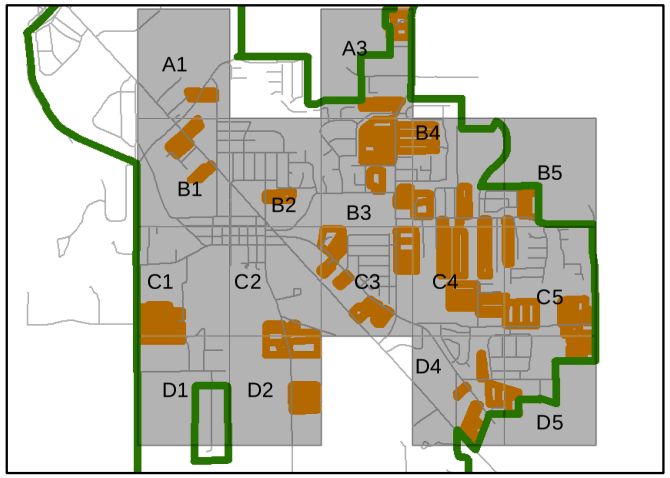
Parcel boundary data from theTarrant Appraisal District
Road data from North Central Texas Council of Governments



Infill sites
Grids C2 & D2

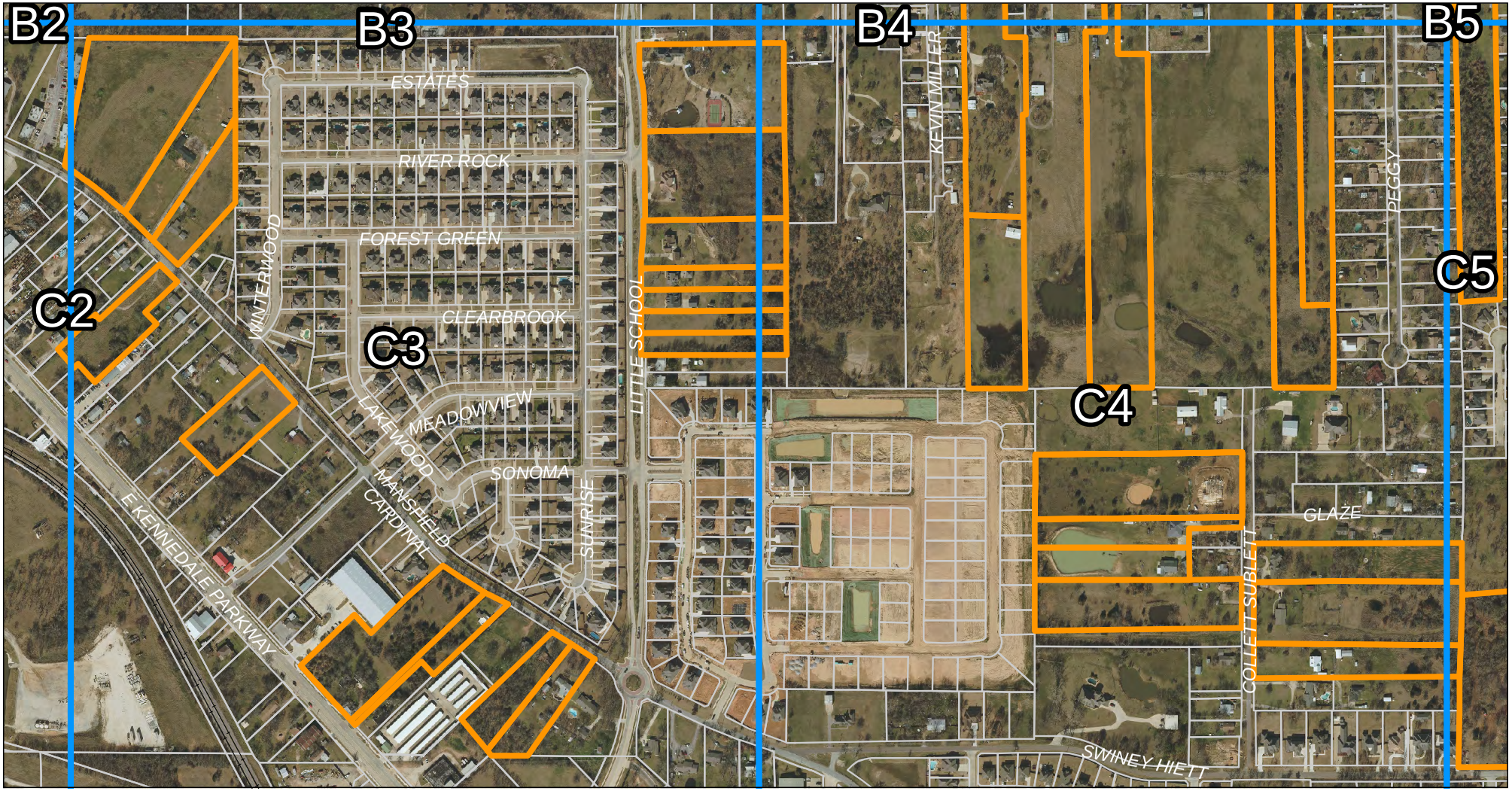
Symbols

- Grid boundaries
- Infill -- possible sites



0 500 1,000 Feet

Parcel boundary data from theTarrant Appraisal District
Road data from North Central Texas Council of Governments



N

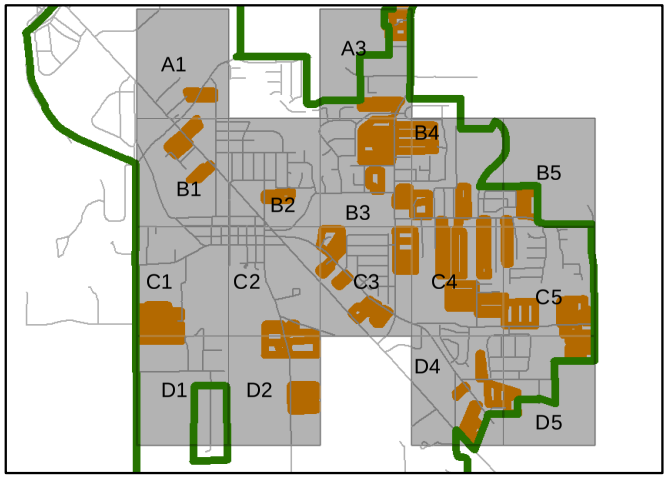
KENNEDALE Texas

0 500 1,000 Feet

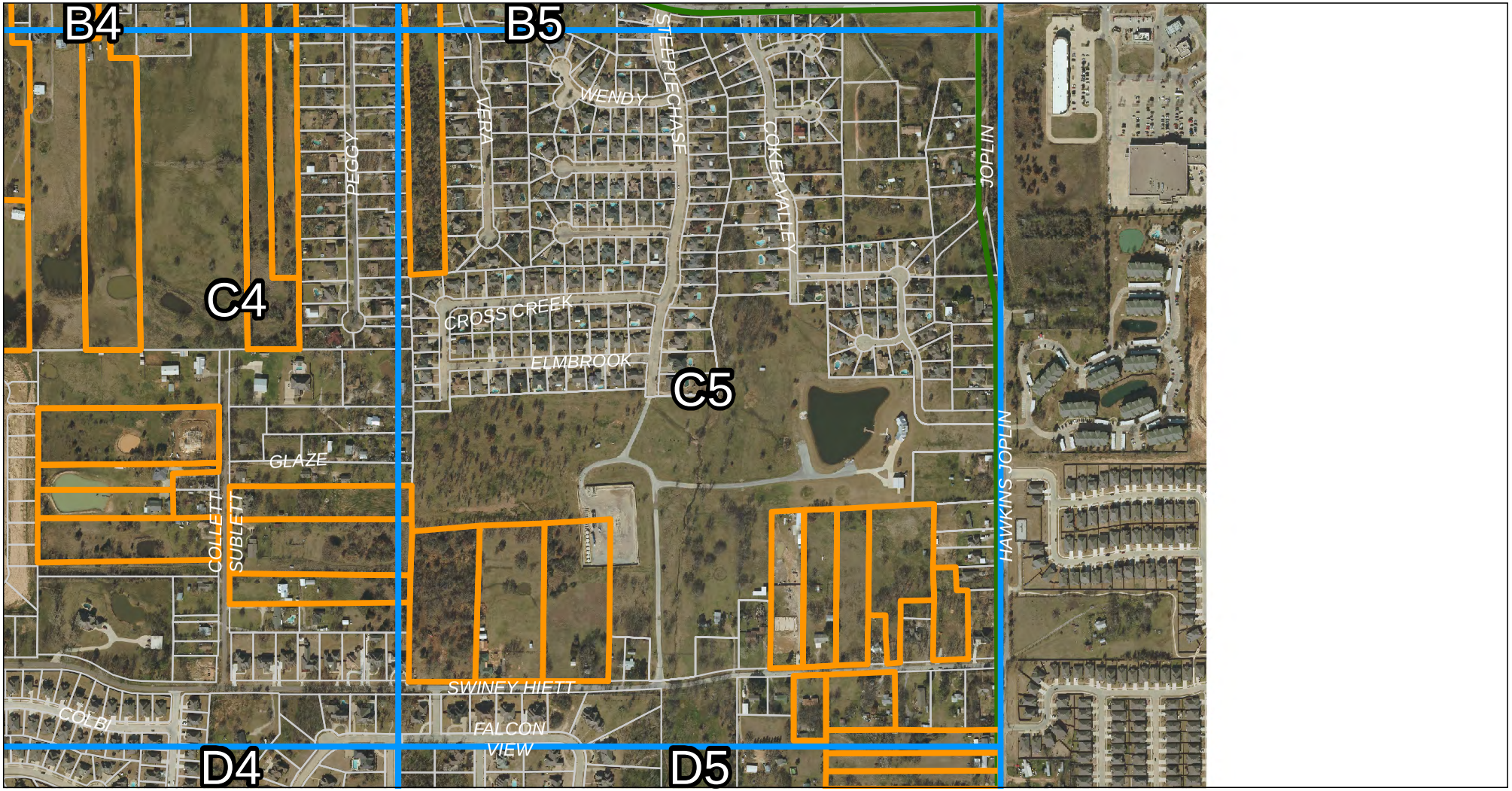
Infill sites
Grids C3 & C4

Symbols

- Grid boundaries
- Infill -- possible sites



Parcel boundary data from theTarrant Appraisal District
Road data & aerial imagery from North Central Texas Council of Governments

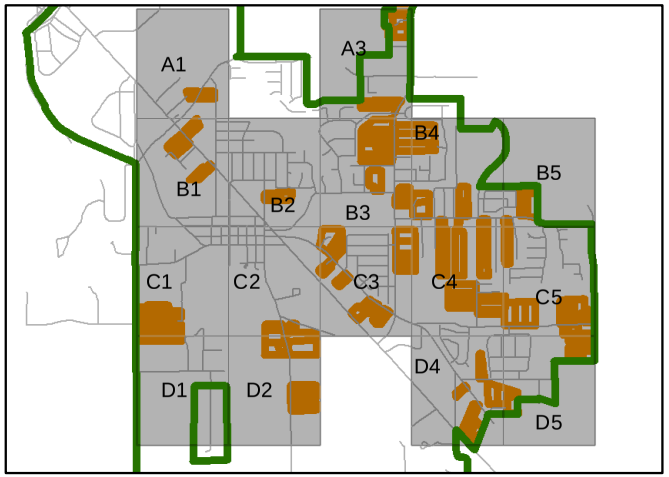


Infill sites
Grid C5

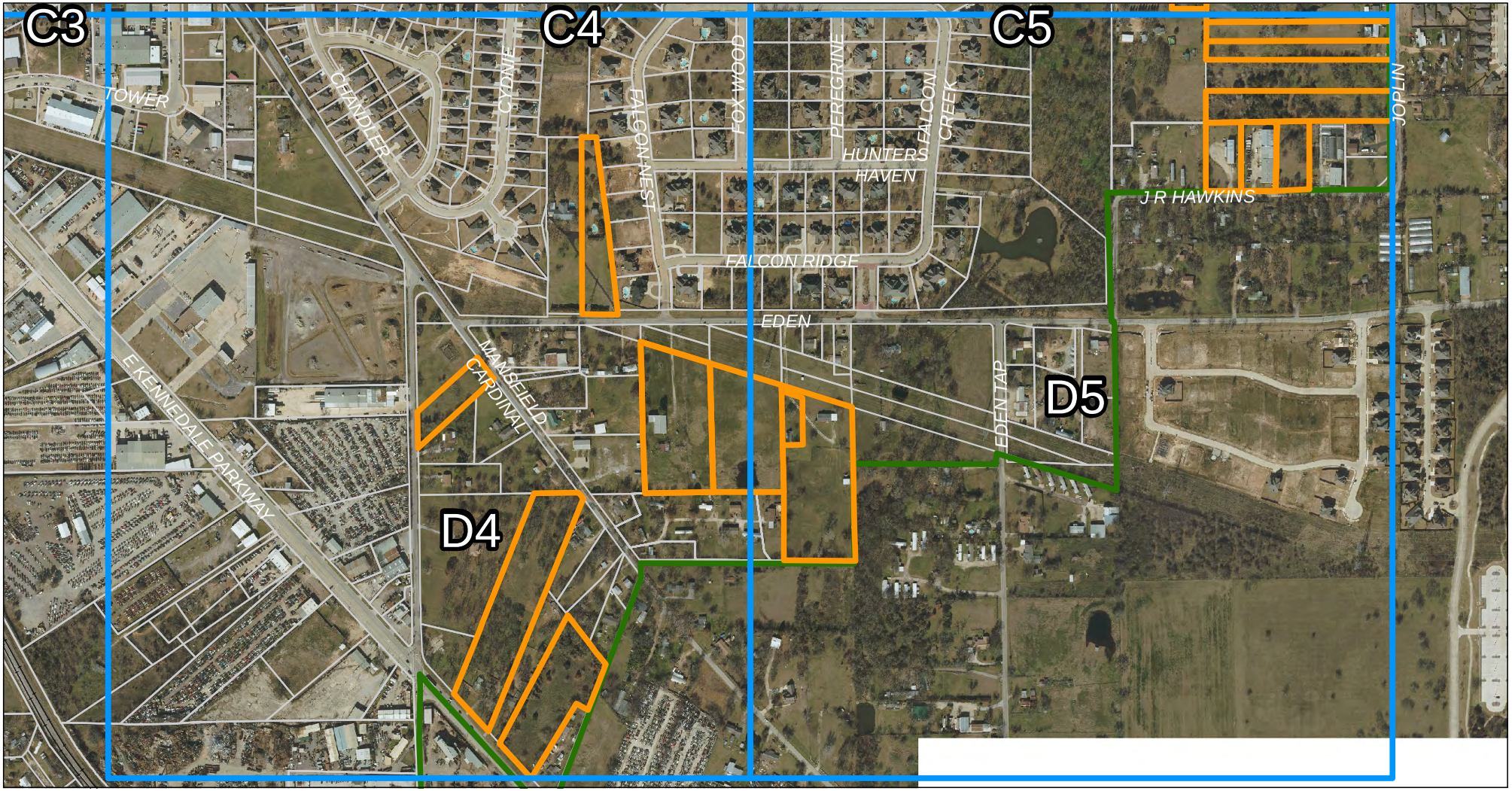
Symbols

- Grid boundaries
- Infill -- possible sites

0 500 1,000 Feet



Parcel boundary data from theTarrant Appraisal District
Road data & aerial imagery from North Central Texas Council of Governments



N

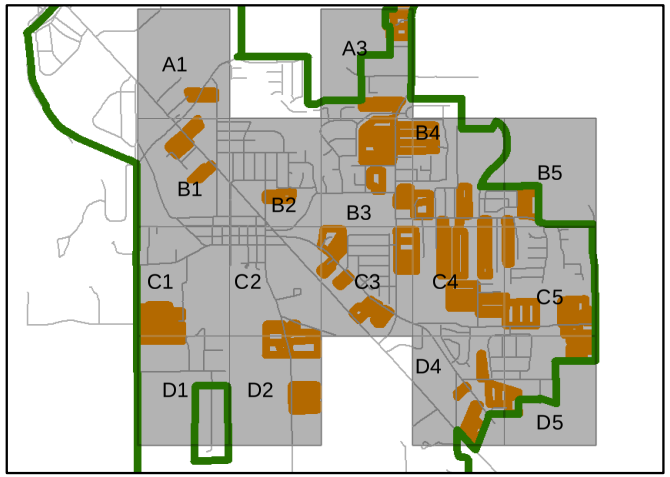
City of KENNEDALE Texas EST. 1895 YOU'RE HERE YOUR HOME

0 500 1,000 Feet

Infill sites
Grids D4 & D5

Symbols

- Grid boundaries
- Infill -- possible sites



Parcel boundary data from theTarrant Appraisal District
Road data & aerial imagery from North Central Texas Council of Governments

KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

STAFF REPORT TO THE BOARD OF DIRECTORS

Date: September 21, 2017

Agenda Item No: *WORK SESSION* - E.

I. Subject:
Discuss code enforcement regulations

II. Originated by:

III. Summary:
This agenda item was added at the request of Chairman Harvey on behalf of a Planning & Zoning Commissioner. During this agenda item, the Commission will discuss current code enforcement regulations and how they might affect new regulations being considered by the Commission.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:
None

VIII. Alternative Actions:

IX. Attachments:

KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

STAFF REPORT TO THE BOARD OF DIRECTORS

Date: September 21, 2017

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:
Consider approval of minutes from the July 2017 Planning & Zoning Commission meeting.

II. Originated by:

III. Summary:

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

1.	P&Z Minutes July 2017	07.20.2017 PZ Minutes.doc

KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION

MINUTES
COMMISSIONERS - REGULAR MEETING
July 20, 2017
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

There was not a quorum for the work session.

II. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Stephen Brim		X
2	Harry Browne		X
3	Patrick Filson		X
4	Ernest Harvey, Chair	X	
5	Thomas Pirtle, Vice-chair		X
6	Chris Pugh	X	
7	Carolyn Williamson	X	
8	Greg Adams, Alternate		X
9	Horace Young, Alternate		X

III. ***WORK SESSION***

There was not a quorum for the work session.

IV. ***REGULAR SESSION***

V. CALL TO ORDER

Chairman Harvey called the regular session to order at 7:00 P.M.

VI. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Stephen Brim	X	
2	Harry Browne		X
3	Patrick Filson		X
4	Ernest Harvey, Chair	X	
5	Thomas Pirtle, Vice-chair		X
6	Chris Pugh	X	
7	Carolyn Williamson	X	
8	Greg Adams, Alternate		X
9	Horace Young, Alternate		X

A quorum was present.

VII. MINUTES APPROVAL

A. Review and consider minutes from the June 15, 2017 Planning & Zoning Commission Regular Meeting

Mr. Harvey called for a motion. Mr. Pugh made a motion to approve, seconded by Ms. Williamson. The motion passed with all in favor with Mr. Harvey abstaining.

VIII. VISITOR/CITIZENS FORUM

Vinita Thomas, 412 W 3rd St, addressed the Commission about the lot next to hers on 3rd St, the one that was platted into two lots. She wanted to make sure that we're not going to issue a permit to build until the drainage is fixed.

Mr. Harvey advised Ms. Thomas that Mr. Pennington is aware of the drainage and will be addressing the issue.

IX. REGULAR ITEMS

There were no regular items.

X. REPORTS/ANNOUNCEMENTS

Ms. Roberts announced the library will be closed temporarily for two weeks in August for renovations.

XI. ADJOURNMENT

Mr. Brim made a motion to adjourn, second by Mr. Pugh, and the motion was passed with all in favor with Mr. Harvey abstaining.

The regular session ended at 7:05 P.M.