



KENNEDALE
Planning and Zoning Commission
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KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
June 21, 2012
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 draft ordinance prohibiting gated communities
- B. Discuss zoning at Bowman Springs Road intersection with Kennedale Pkwy
- C. Discuss zoning in Old Town
- D. Discuss fencing regulations
- E. Discuss any item on the regular agenda, if needed
- F. Discuss items for future consideration

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Approval of meeting minutes from April and May 2012

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 Amethyst Cirno, City Secretary, at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the June 21, 2012, Planning and Zoning Commission agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in black ink that reads "Amethyst G. Cirno". The signature is written in a cursive, flowing style.

Amethyst G. Cirno, City Secretary



Date: June 21, 2012

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss draft ordinance prohibiting gated communities

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Attached to this report is the draft of an ordinance prohibiting gated subdivisions. After the Commission provides comments on the draft, we will revise the draft and bring it back to you for formal consideration and a public hearing.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

review draft and provide comments to staff

IX. Attachments:

1.	Draft ordinance prohibiting gated communities	Draft ordinance prohibiting gated communities.doc
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Ordinance No. _____

**AN ORDINANCE OF THE CITY OF KENNEDALE,
TEXAS, AMENDING DIVISION 14 GATED
COMMUNITY/PRIVATE STREETS, ARTICLE 5
SUBDIVISION REGULATIONS OF CHAPTER 17 OF
THE KENNEDALE CITY CODE OF ORDINANCES
(1991), AS AMENDED, TO PROHIBIT GATED
COMMUNITY/PRIVATE STREET DEVELOPMENTS;
PROVIDING A PENALTY FOR VIOLATIONS OF THIS
ORDINANCES; PROVIDING A CUMULATIVE
CLAUSE; PROVIDING A SEVERABILITY CLAUSE;
PROVIDING A SAVINGS CLAUSE; PROVIDING FOR
PUBLICATION; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS the City Council of the City of Kennedale previously adopted a subdivision ordinance to regulate the division of property within the city limits; and

WHEREAS the City Council is of the opinion that said ordinance as originally adopted and amended does not fully consider research concerning the effect of gated communities or private street developments on the public health, safety, and welfare; and

WHEREAS, public streets and open communities provide opportunities for shared experience among community members and gated communities prohibit these opportunities; and

WHEREAS, architecture designed to increase neighbors' interaction, such as a decrease in gated communities, has been noted by public health officials as one of the tools for increasing public health; and

WHEREAS, gated communities do not significantly reduce levels of crime or increase sense of community compared with non-gated communities, and therefore the benefits of gated communities do not outweigh the negative effects of privatizing public space in this manner;

WHEREAS after holding a public hearing the Planning and Zoning Commission of the City of Kennedale has forwarded a recommendation to the City Council for adoption of revised subdivision regulations as contained in Article V of Chapter 17 of the Kennedale City Code,

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

SECTION 1.

Division 14 Gated Community/Private Streets, Article V Subdivision Regulations, Chapter 17 Planning & Land Development of the Kennedale city code is hereby amended to read as follows:

Division 14 – Private Streets

Sec. 17-320. – Gated Communities.

Private street developments as defined in Section 17-310 of this article are prohibited.

Sec. 17-321. - Existing gated communities.

Private street developments in existence and approved by the city prior to adoption of this ordinance shall be allowed to continue. Such uses may not be expanded, however, and private infrastructure, easements, and open areas must continue to be maintained by the party responsible for maintenance prior to adoption of this ordinance.

17.322 – 17.349. - Reserved.

SECTION 2.

Section 17-310 Definitions of the Kennedale City Code is hereby amended to include a definition for “Private street development / Gated community,” to read as follows:

Private street development / Gated community. A private street development is any residential development, including but not limited to single family and multi-family development, that contains a group of lots that have no frontage on a publicly dedicated street and are accessible by way of a private street or access easement. Such subdivisions may also limit access to lots or dwelling units by the use of a gate, security guard or other active means of limiting access.

SECTION 3.

This Ordinance shall be cumulative of all provisions of all existing ordinances and of the Kennedale City Code (1991), as amended, including but not limited to all ordinances of the City of Kennedale affecting subdivisions or streets, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 4.

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

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

SECTION 5.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Kennedale City Code (1991), as amended, or any other ordinances regarding the regulation of subdivisions or streets 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 the caption penalty clause publication clause and effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

SECTION 8.

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 no more than Two Thousand Dollars (\$2000.00) for all violations involving zoning and Five Hundred Dollars (\$500.00) for all other offenses and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs is a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

PASSED AND APPROVED ON THIS _____ DAY OF AUGUST, 2012.

John Clark, Mayor

ATTEST:

Amethyst Cirno, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney



Date: June 21, 2012

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss zoning at Bowman Springs Road intersection with Kennedale Pkwy

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

In developing a form-based code, the usual approach is to take the best example(s) of existing conditions and use that as the basis for developing the code--that is, base the code on elements of the part(s) of the neighborhood that best illustrates the character of the area that should be preserved or expanded. Unfortunately, existing conditions are vacant lots and a built environment that does not fit the vision of the comprehensive plan. Over the next several weeks, I will be visiting various sites in the Metroplex that could serve as examples of what the city would like to see captured in the form-based code, including examples that seem to have a similar character to Kennedale. I now have good copies of worksheets to help me document the conditions, which should make the process much easier.

In addition to Grapevine's historic district, I will also be visiting Camp Bowie and West 7th in Fort Worth (to study areas with form-based codes that have similar thoroughfare types/widths), HomeTown in North Richland Hills, and Oak Street in Roanoke. If there are any areas of particular interest to the Commission, please let me know. I will be looking at different areas based on frontage types, building types, and thoroughfare types, and the areas I'm visiting don't have to have the ideal form for all three types. For example, if you know of a neighborhood or district that has the thoroughfare type(s) we think would work best here, but the building types and frontage types are not suitable, I can visit the site and document the thoroughfare type only.

I will also continue to study codes in other regions of the country. The focus of the research will be on codes that have already begun to be implemented so that we will be able to judge whether the codes have been effective at fulfilling the community's vision.

In terms of transect, I will be looking at sites that fit a T4 or T5 Transect Zone scaled to a city of our size, with perhaps a more T3-type zone where the Urban Village transitions to existing neighborhoods. For example, pictures of Marblehead, MA's T4 and T5 Transect Zones found on the website The Transect Collection (go to <http://transect-collection.org>, then click on Local Transect on the bar at the top) depict a scale that could work in Kennedale. The architectural styles in this case may not be suitable for Kennedale, but the size of buildings, proximity to each other and to the street, and width of streets (which in this case would be inside the development) might be suitable. Other T5 pictures that seem to be an appropriate scale are from Freeport, ME, Hibbing, MN, and Mariemont, OH, to name a few. I compiled some of the photos from the Transect Collection as examples; they should be available for viewing at <http://transect-collection.org/nMXHDPAlAFGPds9k.fav>. I can also email a link to you, if you would prefer.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

n/a

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

1.	Aerial view, Bowman Springs intersection	Bwmn Sprng Kenn Pkwy aerial.pdf
2.	Figure Ground map	Bwmn Sprng Kenn Pkwy figure ground.pdf

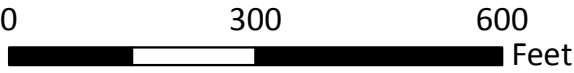
Aerial View at New Intersection

Bowman Springs / Dick Price and Kennedale Pkwy



Legend

Public roads

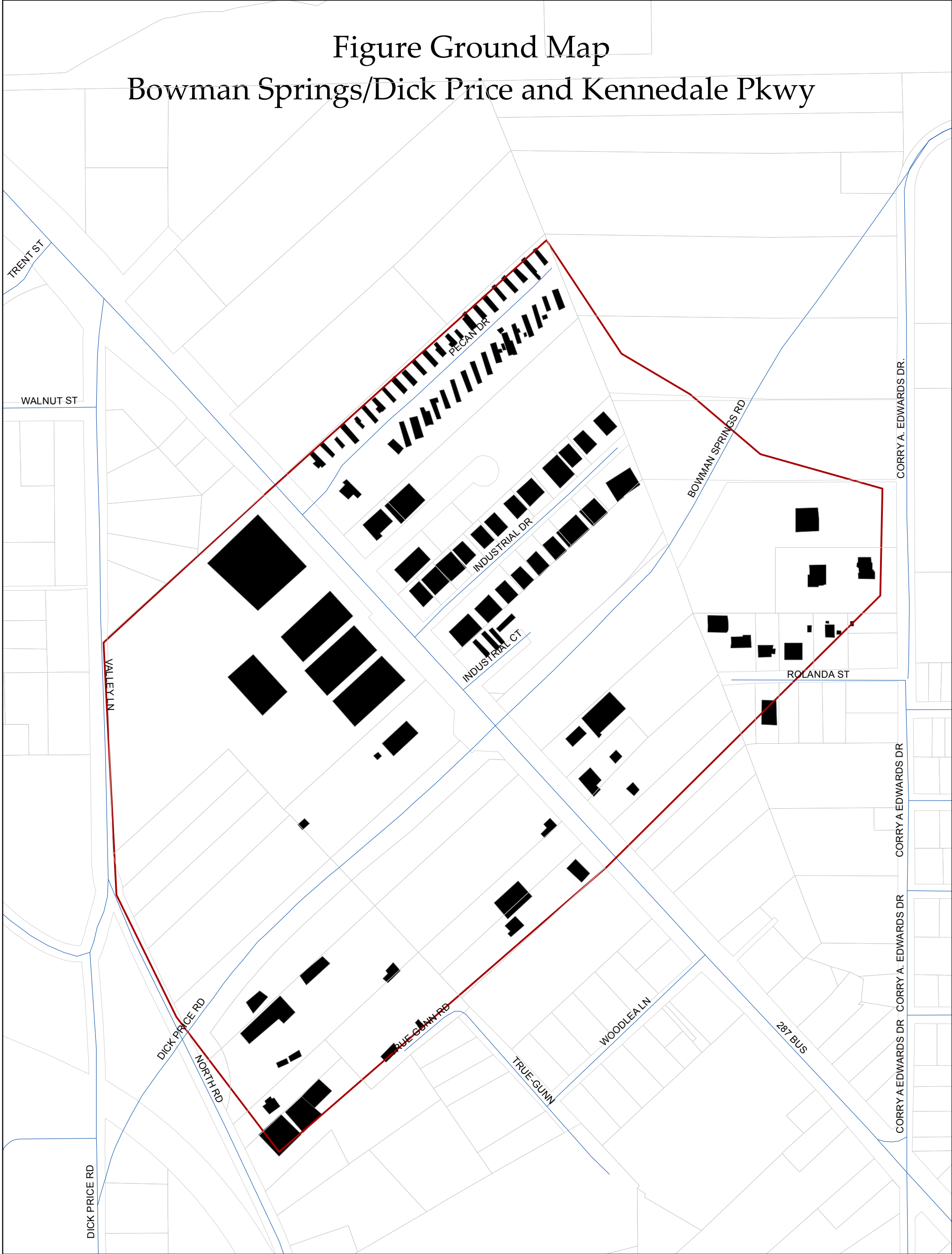


Property boundary data from the Tarrant Appraisal District;
Aerial imagery from the North Central Texas Council of Governments



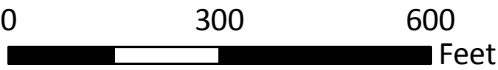
Figure Ground Map

Bowman Springs/Dick Price and Kennedale Pkwy



Legend

- Urban Village boundaries (approx.)
- Structures
- Lot lines
- Public roads



NOTE: Structure outlines are approximate. Field verification still needed to ensure accuracy.

Property boundary data from the Tarrant Appraisal District;
Aerial imagery from the North Central Texas Council of Governments



Date: June 21, 2012

Agenda Item No: WORK SESSION - C.

I. Subject:

Discuss zoning in Old Town

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

After the form-based code for the Bowman Springs / Kennedale Pkwy intersection is underway, I will begin the information gathering process for developing new standards for Old Town. This will involve walking the neighborhood and taking measurements and pictures. We will be documenting the character of the area through this process and will use the information gathered to develop the code. And of course, before any official regulations are drafted, we will meet with residents to get ideas, suggestions, and concerns and to ask for feedback on any ideas we may already have. It will probably be late summer at the earliest before this process will begin.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: June 21, 2012

Agenda Item No: WORK SESSION - D.

I. Subject:

Discuss fencing regulations

II. Originated by:

III. Summary:

During the May meeting, Ms. Bryan asked that a review of the city's fencing regulations be placed on the work session agenda. For your reference, the city's fencing and screening regulations are attached to this message. Please note that the regulations for fencing in the zoning code are concerned with screening, for example, screening between incompatible use districts or for garbage dumpsters. Regulations governing fences in general, such as fencing materials and maintenance, are in Chapter 4 of the city code, which is not part of the zoning code. Amendments to Chapter 4 would go directly through City Council, rather than through the Planning & Zoning Commission. If the Commission has suggestions for changes to Chapter 4, we will forward them to City Council.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

1.	Art. VIII, Ch. 4, Fencing & Screening	ARTICLE_VIII._FENCING_AND_SCREENING.doc.RTF
2.	Sec. 17-425, Ch. 17 Screening requirements	Sec._17_425._Screening_requirements..doc

ARTICLE VIII. - FENCING AND SCREENING

Sec. 4-200. - Purpose.

The requirements set forth in this article are intended to promote safety; protect the character and stability of residential, commercial, and industrial areas; to conserve the value of land, building, and neighborhoods, and enhance the aesthetic and visual image of the city. The construction, modification and maintenance of fencing and screening shall comply with the requirements of this Code. The planning and zoning commission and the city council must approve deviations from these requirements, and may approve such deviations or special exceptions when the commission and the council find that adherence to the requirements of this Code will hinder the orderly subdivision of property and will be detrimental to the public health, safety, or welfare. Fences and screening constructed in accordance with approved plats shall not require permits and shall be deemed in accordance with Code requirements for fencing and screening.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-201. - Definitions.

Fence means a masonry wall or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land.

Freestanding wall means a masonry wall or a barrier which is unconnected to a building erected for the purpose of enclosing space or separating parcels of land.

Multi unit rental complex means two (2) or more dwelling units in one (1) or more buildings that are under common ownership managed by the same owner, managing agent, or management company, and located on the same lot or tract of land or adjacent lots or tracts of land. The term includes a condominium project but does not include:

- (1) A facility primarily renting rooms to overnight guests; or
- (2) A single-family home or adjacent homes that are not part of a condominium project.

Outdoor/outside storage means the keeping or storing as an accessory/incidental use of any merchandise (items intended for sale, service, lease, or rent), equipment, machinery, commodities, raw or semi-finished materials, wrecked or dismantled vehicles, and/or building materials which are not within a fully enclosed building. Other types of waste/surplus materials, such as construction/demolition byproducts (e.g., carpet remnants, scrap lumber/metal/masonry materials, leftover/surplus display shelving components or other furnishings, demolition materials, etc.), shipping materials (e.g., boxes, foam packaging, pallets, etc.), automotive components (e.g., old tires, salvaged parts, etc.), and other similar byproducts are not generally considered to be included under this definition and must be properly disposed of (i.e., removed from the site; not stored) in a timely manner.

Owner means a person who owns, leases or manages or has a legal or equitable interest in a parcel or tract of land.

Person means a person, firm, partnership or corporation or other entity of any kind.

Pool means a permanent swimming pool, permanent wading or reflection pool, hot tub or spa over eighteen (18) inches deep, located at ground level, above ground, below ground or indoors.

Screening device means any of the following:

- (1) Any solid fence or freestanding wall constructed of metal, brick, masonry, or concrete, the vertical surface of which shall be without gaps except openings for access;
- (2) Any dense screening shrubs as defined by section 17-431, providing a visual barrier, for which such material shall be maintained in a healthy growing condition; or
- (3) Landscaped earth berms may when appropriate in scale, be considered and used as a screening device in lieu of a fence, wall, hedge or other dense planting material.

Visual barrier means any fence, wall, hedge or shrubbery higher than thirty (30) inches above ground level at the property line, except single trees with single trunks which are pruned to a height of seven (7) feet above ground level.

(Ord. No. 91, § 1, 1-11-96; Ord. No. 451, § 1, 4-8-10)

Sec. 4-202. - Permit—Required.

It shall be unlawful for a person to erect or cause to be erected a fence, or freestanding wall or any part thereof without first obtaining a permit from the city's permit office. Any existing fence may be repaired or modified in place without obtaining a permit. Any existing fence may be replaced by the same or different type of fence in the same location without first obtaining a permit from the city's permit department if the replacement fence is completed within one (1) year from the removal of the existing fence. Any repair, modification or replacement performed without a permit shall be in accordance with the requirements of the City Code. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-203. - Same—Application.

A person shall make application for a permit at the city's permits office. The application shall contain the following information:

- (1) The name, address and phone number of the applicant and of the contractor who proposes to perform the work, if different than the applicant;
- (2) The name and address of the owner of the property for which the application is submitted, and a description of the property which is to be fenced, by legal description or street address;
- (3) A description of the materials to be used in constructing the fence or wall;
- (4) A copy of the plans, specifications and diagrams for the construction of the fence or wall, unless this requirement is waived by the building official;
- (5) A statement that the information contained in the application is true and correct and the signature of the applicant.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-204. - Same—Fee.

A person shall pay a fee, as established by the city council, at the time he submits the application for a permit. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-205. - Same—Issuance; duration.

(a) The building official or his designee shall review the application and if the building official finds that the work described in the permit application conforms to the requirements of this Code, and that the application fee has been paid, the building official or his designee shall issue a permit to the applicant.

(b) The permit shall expire by limitation and become null if the work authorized by the permit is not commenced within one hundred eighty (180) days from the date of the permit, or the work authorized by the permit is suspended for a period of one hundred eighty (180) days or more. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-206. - Same—Denial.

The building official or his designee shall deny a permit if:

- (1) The applicant fails to submit any information as required by this article;
- (2) The application reveals that the work proposed to be performed does not comply with the requirements of this Code; or
- (3) The application reveals that the work proposed to be performed is planned to be placed on the property line and is not requested by the owners of all adjacent properties.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-207. - Same—Appeal of denial.

A person may appeal the denial of a permit in accordance with the provisions of the building code.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-208. - Fence required—Swimming pool.

(a) Any person who owns or controls a multi-unit rental complex upon which a swimming pool is located shall completely enclose the pool yard with a pool yard enclosure, in accordance with the requirements of V.T.C.A. Health and Safety Code, ch. 757, as amended (1995). (See also subsection 17-425(b) of this Code.)

(b) Any person who owns or controls property upon which a swimming pool is located shall enclose the pool yard with a fence in accordance with the provisions of the building code.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-209. - Same—Salvage yards.

The owner of property which is used for open storage of wrecked or salvaged automobiles, machinery, appliances or other used commodities and equipment shall enclose the property with a screening wall or fence of eight feet in height and which meets the requirements of subsection 17-420(m) of this Code. This section shall not apply to the display of automobiles, motor vehicles, or industrial equipment of comparable size or larger so long as they are displayed for sale in conformity with other applicable ordinances of the city. (See also section 12-4 of this Code.)

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-210. - Same—Dumpsters.

An owner of property zoned "D," "MF," or for any use other than residential, shall screen all dumpsters and

garbage, trash and refuse storage areas on at least three sides by either a six-foot high screening device, or by large screening shrubs so that the dumpsters cannot be seen from a public street. (See also subsections 17-420(i) and 17-425(c) of this Code). (Ord. No. 91, § 1, 1-11-96)

Sec. 4-211. - Same—Incompatible zoning districts.

Insofar as possible, screening must be erected, placed, and/or grown along the common boundary line of incompatible zoning districts before use is made of the property. Before a building permit may issue for construction on property which is adjacent to property which is zoned for a more restrictive use, as defined by section 17-425 of this Code, the applicant shall construct or place screening along the common boundary line of the properties. The screening fence shall be constructed of solid wood or masonry and shall be not less than six (6) feet in height nor more than eight (8) feet in height. A person may plant large screening shrubs in lieu of constructing a fence, if the screening shrubs meet the requirements set forth in section 17-431 of this Code. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-212. - Responsibility for fence.

Every owner, tenant and agent, of any property upon which a fence or screening device is maintained, shall be jointly and severally responsible for installing and maintaining the fence or screening device.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-213. - Fence maintenance.

(a) Fences, screening devices, and freestanding walls shall be maintained in a good state of repair so as to meet the requirements of the Uniform Housing Code.

(b) Screening devices composed of shrubs shall be maintained in a healthy, neat, live, growing condition.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-214. - Fence materials.

(a) A person shall construct a fence using the following materials: wood, wrought iron, exposed aggregate tilt wall, fired masonry, approved wood rail construction, or other material approved by the building official or his designee, including large screening shrubs, as permitted by chapter 17 of this Code.

(b) Wood fences may have metal framing.

(c) A person erecting a wood fence shall ensure that the smooth side faces adjoining streets and the posts and rails face the interior of the lot.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-215. - Electric fences.

A person may construct or maintain an electric fence and fence charging devices if:

(1) They are UL approved;

(2) They are used in conjunction with agricultural activities for the purpose of containing livestock, protecting water supplies, or for the security of crops grown on the property; and

- (3) They are plainly labeled or marked.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-216. - Fences—Security.

A person may erect and maintain a barbed wire fence for:

- (1) Agricultural or related activities; or
- (2) Security purposes in nonresidential zoning districts if the barbed wire is mounted on the top of a fence at least six (6) feet in height.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-217. - Same—Razor wire.

A person may not use concertina wire or razor wire to construct a fence unless such is authorized by a special use permit issued by the board of adjustment. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-218. - Same—Placement.

A person shall not construct or maintain a fence in such a manner as would endanger the health or safety of the general public. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-219. - Same—Front yard.

A person shall not construct a fence or freestanding wall exceeding thirty (30) inches in height which extends into the required front yard except that a person may construct a decorative fence, agricultural fence or security fence that is no more than twenty-five (25) percent solid above thirty (30) inches.

(Ord. No. 91, § 1, 1-11-96)

Sec. 4-220. - Same—Side yard.

A person shall not construct or maintain:

- (1) A fence or freestanding wall greater than thirty (30) inches in height less than five (5) feet from any side or rear property line that is adjacent to a public street except for decorative fences, agricultural fences, or security fences that are not more than twenty-five (25) percent solid above thirty (30) inches; or
- (2) A fence over thirty (30) inches in height closer than fifteen (15) feet from the front corner property pin of an adjoining lot. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-221. - Same—Visibility.

(a) A person shall not construct or maintain a fence, screening device, freestanding wall or other visual barrier so that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection.

(b) A person shall construct and maintain a fence, screening device, freestanding wall or other visual barrier in such a manner that a person, from all street intersections, has a clear field of vision across the corner lots for a distance of twenty-five (25) feet back from the property corner along both streets.

(c) In the event of a conflict between a provision establishing a minimum fence height and the provisions of this section, a person shall construct the fence so as to comply with the requirements of this section. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-222. - Same—Height.

A person shall not construct or maintain a fence in a residential zoning district which exceeds eight (8) feet in height above ground level at the fence line. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-223. - Same—Public property.

A person shall not construct or maintain a fence, guy wire, brace or any post in such a manner that it protrudes over property that the city or the general public has dominion and control over, owns or has an easement over, under, around, or through except upon utility easements, which are permitted to be fenced. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-224. - Perimeter fences.

Subdivision perimeter fencing shall conform to the requirements and provisions for screening and fencing contained in this article. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-225. - Requirements cumulative.

A person who erects or maintains a fence shall comply with the applicable provisions of the building code and the zoning ordinance. (Ord. No. 91, § 1, 1-11-96)

Sec. 4-226. - Outside/outdoor storage regulations.

(a) All outside/outdoor storage, when permitted, shall:

- (1) Not be located within twenty-five (25) feet of the nearest right-of-way line to a public street; and
- (2) Be screened in accordance with section 17-425 of this Code (screening requirements), except where regulated by overlay districts; and
- (3) Not be located within any required setbacks or within any required landscaped areas; and
- (4) Not block or restrict sidewalks or other pedestrian or required handicapped-accessible paths and access ways for safety; and
- (5) Not block or restrict required parking spaces or vehicular flow within parking lots; and
- (6) Not block or restrict fire lanes or fire lane visibility; and
- (7) Not block or restrict access to building entrances and exits; and
- (8) Not impede vehicular traffic flow on adjacent streets or restrict or block the line of sight for incoming and outgoing vehicles; and
- (9) Not block or restrict required lighting.

(b) Any building or use in existence before the effective date of this article shall be required to comply with the outside/outdoor storage regulations when the land use or ownership changes.

(c) The director of development may allow exceptions to subsection (a)(3) of this section for small lots that otherwise meet the requirements of this section and when granting an exception will not negatively affect the city's ability to protect the health, safety, and welfare of the city. (Ord. No. 451, § 2, 4-8-10)

Sec. 4-227. - Outside/outdoor display regulations.

(a) All outside/outdoor display, when permitted, shall:

- (1) Not be located within ten (10) feet of the nearest right-of-way line to a public street; and
- (2) Not be located within any required setbacks or within any required landscaped areas; and
- (3) Not block or restrict sidewalks or other pedestrian or required handicapped-accessible paths and access ways for safety; and
- (4) Not block or restrict required parking spaces or vehicular flow within parking lots; and
- (5) Not block or restrict fire lanes or fire lane visibility; and
- (6) Not block or restrict access to building entrances and exits; and
- (7) Not impede vehicular traffic flow or restrict or block the line of sight for incoming and outgoing vehicles; and
- (8) Not block or restrict any required lighting; and
- (9) Not be used as outside/outdoor storage.

(b) The director of development may allow exceptions to subsection (a)(1) or (a)(2) of this section for small lots that otherwise meet the requirements of this section and when granting an exception will not negatively affect the city's ability to protect the health, safety, and welfare of the city. (Ord. No. 451, § 2, 4-8-10)

Secs. 4-228—4-245. - Reserved.

Sec. 17-425. - Screening requirements.

(a) *Screening required between incompatible zoning districts.* Insofar as practical, screening must be erected, placed, grown and maintained along the common boundary line of incompatible zoning districts before any use is made of the property. This screening requirement shall be the responsibility of the owner of the less restrictive district, with the agricultural and single-family residential districts (AG, R-1, R-2, and R-3 districts) being the most restrictive and the industrial district being the least restrictive district. This is illustrated by the following chart:

(Most Restrictive)

"AG, R-1, R-2, R-3" Single-family districts

"D" Two-family residential district

"MH" Mobile home residential district

"OT" Old town district

"MF" Multifamily

"C-0, C-1, C-2" Commercial districts

(Least Restrictive)

"I" Industrial district

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

(b) *Parking lots, playgrounds, ballfields, tennis courts and swimming pools to be screened.* Any commercial parking lot, playground, ballfield, tennis court, or swimming pool when adjacent to any residential use or district, shall be suitably screened from view with screening shrubs or masonry wall. Such screening shall be at least two (2) feet in height.

(c) *Garbage, refuse and trash collection/storage areas to be screened.* Garbage, refuse, and trash collection/storage areas in any multifamily residential district, condominium or townhouse project, or nonresidential district or use, shall be screened on at least three (3) sides to adequately screen such area from view of the surrounding area (see subsection 17-405(c)(8)). Such screening shall be accomplished by either enclosing the dumpster with screening device of height in accordance with subsection (4) hereof, or vegetation great enough in height and volume to screen collection/storage areas from view of the surrounding area.

(1) *Screening materials.* Except where otherwise permitted in the City Code, screening walls shall be constructed of masonry or pre-cast stamped concrete, and screening materials shall be consistent with the exterior finish of the main building in material and color. No screening wall or fence shall be constructed of

materials not manufactured or designed for the primary purpose of wall or fence construction. Gates shall be steel and painted in color corresponding to the primary structure.

(2) *Vegetation.* If vegetation is used for screening, native and adapted, drought tolerant plants are preferred.

(3) *Maintenance of screening.* Every screening wall and screening fence shall be adequately maintained by the property owner. All plant materials used for screening shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include watering, trimming, pruning, etc. Plant materials that die shall be replaced with plant material of similar variety and size.

(4) *Height of screening materials.* Screening walls, fences, and vegetation shall be a minimum of one (1) foot in height above the materials being stored, and screening walls and fences shall not be greater than eight (8) feet in height. Materials being stored shall not be stored higher than one (1) foot below the screening provided.

(5) *Approval of screening design.* Screening designs must be approved by the director of development before construction or installation of screening may begin.

(d) *Maintenance of screening devices.* All screening devices shall be perpetually maintained by the owner of the property.

(e) *Outside storage to be screened.*

(1) *Screening device.* Outside storage, when permitted, shall be screened on all sides to adequately screen such from view of the surrounding area. Such screening shall be accomplished by either enclosing the materials to be stored with a screening device with height in accordance with subsection (5) hereof, or vegetation great enough in height and volume to screen stored materials from view of the surrounding area. The director of development shall determine whether vegetative screening meets the requirements of this section.

(2) *Salvage yards.* Special screening regulations for salvage yards are prescribed in subsection 17-420(m).

(3) *Screening materials.* Screening materials shall comply with the following provisions:

a. Except where otherwise permitted in the City Code, screening walls shall be constructed of masonry or pre-cast stamped concrete, and screening materials shall be consistent with the exterior finish of the main building in material and color. No screening wall or fence shall be constructed of materials not manufactured or designed for the primary purpose of wall or fence construction. Gates shall be steel and painted in color corresponding to the primary structure.

b. If vegetation is used for screening, native and adapted, drought tolerant plants are preferred.

(4) *Maintenance of screening.* Every screening wall and screening fence shall be adequately maintained by the property owner. All plant materials used for screening shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include watering, trimming, pruning, etc. Plant materials that die shall be replaced with plant material of similar variety and size.

(5) *Height of screening wall.* Screening walls, fences, and vegetation shall be a minimum of one (1) foot in height above the materials being stored, and screening walls and fences shall not be greater than eight (8) feet in height. Materials being stored shall not be stored higher than one (1) foot below the screening provided.

(6) *Approval of screening design.* Screening designs must be approved by the director of development before construction or installation of screening may begin.

(Ord. No. 40, 9-9-93; Ord. No. 169, § 7, 1-18-99; Ord. No. 395, § 6, 5-20-08; Ord. No. 451, § 3, 4-8-10)



Date: June 21, 2012

Agenda Item No: WORK SESSION - E.

I. Subject:

Discuss any item on the regular agenda, if needed

II. Originated by:

III. Summary:

This item was added to the agenda in case the Commission would like to discuss any item on the regular session agenda.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: June 21, 2012

Agenda Item No: WORK SESSION - F.

I. Subject:

Discuss items for future consideration

II. Originated by:

III. Summary:

The items below will be considered by the Commission on a future agenda. The Commission may discuss these topics or additional topics in terms of when they will be added as a regular work session agenda item and the scope of the future discussion.

- a. Green / Environmental Regulations
- b. Salvage Yard Ordinance

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: June 21, 2012

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Approval of meeting minutes from April and May 2012

II. Originated by:

III. Summary:

The minutes from the April and May meetings are attached to this report for your review and consideration for approval.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

1.	PZ Minutes April 2012	04.19.2012 PZ Minutes.doc
2.	PZ Minutes May 2012	05 24 2012 PZ Minutes.doc



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
April 19, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

Chair Harvey called the meeting to order at 6:00 PM.

II. ROLL CALL

Roll Call

Present Billy Simpson, Ray Cowan, Ernest Harvey, Charles Overstreet, Adrienne Kay. Michael Herring (alternate).

Absent: Lori Bryan, Thomas Pirtle, Carolyn Williamson (alternate).

Michael Herring was asked to join the group as a regular member to fill in for absent members.

Lori Bryan arrived at 6:15 PM.

III. WORK SESSION

A. Erosion control standards

Rachel Roberts has looked at Colleyville as an example, excerpts from which James Cowey presented in the absence of Ms. Roberts. Colleyville's regulations provide for extended maintenance of landscaping by developers after initial development until permanent vegetation is established. The lot owner would then be responsible for ongoing maintenance. Chair Harvey mentioned that long-term maintenance would be very important to the city. He also mentioned that he was unsure of the need for the bonding process. James Cowey noted that adding these additional provisions to our existing erosion and stormwater ordinances would be much more comprehensive than what is currently in place. The issue of maintenance of detention ponds still comes into question, as the city would like to have control over all drainage within the city, but areas that are covered with an HOA could cause an issue. Mr. Cowey noted that an HOA could have authority over maintenance with the knowledge that the city owns the underlying easement and would have the power to come in and complete drainage work or other necessary work.

The commission noted that they would like to use the Colleyville example to begin the drafting of new regulations.

B. Discussion of zoning at Bowman Springs Road intersection with Kennedale Pkwy

Mr. Harvey noted that he favored building the code to new specifications while current structures still stand. This would ensure that new development would adhere to the new specifications. Mr.

Overstreet asked that the commission have a conversation regarding the effects of form based code on the intersection in terms of traffic flow, landscaping, interaction with TxDOT, etc. Conversation was had regarding the planning of Kennedale Parkway for the future, including enhanced landscapes and driveway regulations.

Mr. Harvey asked that this discussion be continued in June.

C. Discussion of Gated Communities

Mr. Cowey noted that the comprehensive plan encouraged free non-vehicular transportation and a real community feel. In some cases gated communities end up as an island. If the city is to allow these types of development they would have to meet all of the other aspects of the comprehensive plan. At this time the commission is leaning toward not allowing gated communities as they perceive that it is not congruent with the direction of the comprehensive plan.

Commission asked for 2 perspectives

1. Eliminating
2. Allow but with restrictions and definitions.

D. Revisions to the City's Noise Regulations

This item was not discussed.

E. Discuss Items for Future Consideration

This item was not discussed.

IV. REGULAR SESSION

V. CALL TO ORDER

Chair Harvey called the meeting to order at 7:08 PM.

VI. ROLL CALL

Present Billy Simpson, Lori Bryan, Ray Cowan, Ernest Harvey, Charles Overstreet, Adrienne Kay.

Michael Herring (alternate).

Absent: Thomas Pirtle, Carolyn Williamson (alternate).

Michael Herring remained as a regular member to fill in for absent members.

Chair Harvey took a moment to recognize those affected by the recent tornado.

VII. MINUTES APPROVAL

A. Review and consider minutes from the March 2012 meeting of the Planning & Zoning Commission

A motion to approve the minutes as presented was made by Ray Cowan, seconded by Adrienne Kay. The motion passed unanimously.

VIII. VISITOR/CITIZENS FORUM

1. Georg O'Neil, of 121 W Mansfield Avenue. Mr. O'Neil asked that he be given a status update on a zoning classification issue that was addressed at last month's visitors/citizens forum. Mr. Cowey reiterated that it was not likely that the zoning would be changed in this area. Mr. Harvey noted that the area was in old town and under that district's regulations.

IX. REGULAR ITEMS

There were no regular items

X. REPORTS/ANNOUNCEMENTS

James Cowey mentioned the following events:

- May 5th Great American Cleanup & International Migratory Bird Day at TownCenter Park, and the Spring Cleanup at the C&D Landfill at Dick Price Road.
- May 19th Bark in the Park, KidFish, and National Kids to Parks Day at Sonora Park.

XI. ADJOURNMENT

A motion to adjourn was made by Ray Cowan, seconded by Lori Bryan. The motion passed unanimously.

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

CERTIFICATION

I certify that a copy of the April 19, 2012, 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.



Amethyst G. Cirno, City Secretary

KENNEDALE PLANNING & ZONING COMMISSION
MINUTES
COMMISSIONERS - REGULAR MEETING
May 24, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Chair Harvey called the meeting to order at 6:08 PM.

II. ROLL CALL

Present: Adrienne Kay, Billy Simpson, Lori Bryan, Thomas Pirtle, Ray Cowan, Ernest Harvey, Charles Overstreet, Michael Herring.

Absent: Carolyn Williamson

Carolyn Williamson arrived at 6:10 PM

III. WORK SESSION

A. Discussion of upcoming rezoning request at Little School Rd and Potomac Pkwy

Gina McLean approached the commission, noting that her client would like to build a 40 bed assisted living facility at this location and as such would like the area to be rezoned from C-1 to PD. The building will be approximately 30,000 square feet. The building will include a courtyard and landscaping along Little School Road. The applicant noted that the proposed building was 3 feet over the setback and a variance would be needed. As the city does not specify regulations for assisted living facilities, the client examined setbacks from the C-1 zoning classifications. The building will be sprinkled. She also noted that the proposed driveway to the west would allow for future incorporation of this property into the church property next door. The client is currently in the option period on the property purchase.

B. Discussion of Gated Communities

James Cowey approached the commission, noting that this discussion was an extension from the last meeting and that the Council has briefly discussed the issue as well. Gated communities with open paths to outside the community (bike, walk, etc), were discussed. Commissioner Overstreet noted that most studies indicated that gated communities are not safer and increase public safety response times. Chair Harvey noted that that most groups who are moving toward new urbanism models of development are not in favor of gated communities. Mr. Cowey noted that an ordinance related to this issue would be drafted in the near future.

C. Discussion of Erosion Control Standards

Mr. Cowey noted that this issue had been discussed by Council and that an ordinance would be before council at the next regular council meeting.

D. Discuss any item on the regular session agenda, if needed

No items from the regular session were pulled from the regular session.

Commissioner Bryan noted that she would like to place a review of the fencing ordinance on the next work session.

IV. REGULAR SESSION

V. CALL TO ORDER

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

VI. ROLL CALL

Present: Adrienne Kay, Billy Simpson, Lori Bryan, Thomas Pirtle, Ray Cowan, Ernest Harvey, Charles Overstreet, Michael Herring, Carolyn Williamson.

VII. MINUTES APPROVAL

A. Minutes from the April 19, 2012 Planning & Zoning Commission meeting

This item was tabled until the June regular 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.

One resident asked to speak.

1. James Whit 126 W Mansfield approached the commission, asking for clarification on the comprehensive plan, Chapter 7. He asked if the city has decided on a unified code option. Chair Harvey noted that the commission was leaning toward a mix of form based code and traditional zoning.
2. A resident of 125 West Mansfield (name not clear) approached the commission. She said she had received a letter from Johnny Byrd saying he had bought his property next door and that she would no longer be able to use the driveway she had been using for over 20 years. She asked about grandfathering. Mr. Cowey explained grandfathering and said that it doesn't apply to new driveways, and if the existing driveway isn't on their property, they would need to build a new one.

IX. REGULAR ITEMS

A. CASE # PZ 11-12 to consider action on a request for a change in zoning from "R3" Single Family Residential to "PD" Planned Development District for approximately 16 acres located at 5306 Kennedale Sublett, 3190 Joplin Rd, and 3196 Hawkins Joplin Rd, 3 unaddressed parcels on Kennedale Sublett Rd, and 1 unaddressed parcel on Hawkins Joplin Rd, more particularly described as James R Hawkins Survey A-792 Tr 1, 1E, 1F, 1G, 1H, 1J, 1K, 1L, & 1M. The rezoning is requested by Vera Coker, Carolyn Williamson, Judith Coker Helms, Donald Coker, Martin & Maria Guevara, and James McDuff.

A. Staff Presentation

Mr. Cowey noted that the client asked to table this case to a point after which the property had been rezoned. At this point the applicants have withdrawn the application and will reapply at a later date.

B. Action by the Commission

No action was necessary as the case has been withdrawn.

X. REPORTS/ANNOUNCEMENTS

Amethyst Cirimo reminded the commission that board appointments would be made in August, and that applications for reappointment or appointment are due on August 1, 2012.

James Cowey announced that Red's Roadhouse Restaurant's grand opening would be held on May 31st, and that a portion of the proceeds of this event would go toward the city's tornado relief fund.

XI. ADJOURNMENT

A motion to adjourn was made by Adrienne Kay, seconded by Lori Bryan. The motion passed unanimously.

The meeting was adjourned at 8:08 PM.