



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

PLANNING & ZONING COMMISSION AGENDA
COMMISSIONERS REGULAR MEETING | August 15, 2019
REGULAR SESSION AT 7:00 PM
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

NOTE: Pursuant to Texas Government Code §551.071, the Planning & Zoning Commission reserves the right to adjourn into Executive Session at any time during the Work Session or the Regular Session to discuss posted Executive Session items or to seek legal advice from the City Attorney on any item posted on the agenda.

II. REGULAR SESSION

III. ROLL CALL

IV. VISITOR AND CITIZEN FORUM

At this time, any person may address the board or governing body, provided that an official 'Speaker's Request Form' has been submitted to the secretary prior to the start of the meeting. All comments must be directed towards the body as a whole, rather than individuals members 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 nor discussion held regarding these items.

V. REPORTS AND ANNOUNCEMENTS

VI. MINUTES APPROVAL

- A. Consider approval of minutes from the July 30, 2019 regular meeting

VII. DECISION ITEMS

- A. CASE # PZ 19-06 to conduct a public hearing and consider a request by Adlai Pennington for a rezoning from "I" Industrial to "C2" Commercial for approximately 2 acres located at 1170 E Kennedale Parkway, Abstract 378, Tract 1DD01, E C Cannon Survey, City of Kennedale, Tarrant County, Texas.
- B. To conduct a public hearing and consider approval to amend the Unified Development Code to create a new R-4 residential zoning district and amend the following sections to provide for R-4 regulations: Section 3.1 "Purpose," Table 3.2 "Schedule of Uses: Agricultural and Residential Districts", Table 3.3 "Spatial Requirements", Section 10.9.C.1. "Dwellings per Lot", Section 11.2.B.3.a, "Accessory Building Materials", Section 11.30. "Residential Sales", Section 11.36.D.3, regarding distance from sexually oriented businesses, Section 11.38.D.1, "Temporary Use - Special Functions," Section 12.8.A.4, "Required Off-Street Parking", Section 13.2.A., "General Landscaping Requirements", Table 13.6, "Buffer Area Landscape Requirements", Section 29.5.D.10, regarding jurisdiction of ZBA to consider construction of accessory building.
- C. To conduct a public hearing and consider approval to amend Article 3 of the Unified Development Code by adding regulations for Multi-Family Residential District, including purpose, form and character, building form standards, parking, bicycle parking, street and streetscape, and landscaping, amending section 12.8.A.6, "Specific Residential Parking Requirements" for Multi-Family Residential District; and amending Table 13.6 "Buffer Area Landscape Requirements" as it pertains to Multi-Family District.

VIII. EXECUTIVE SESSION

The Planning & Zoning Commission reserves the right to convene in Executive Session(s) during this meeting pursuant to §551.071(2) when the Planning & Zoning Commission seeks the advice of its attorney concerning any item on this agenda or a matter in which the duty of the attorney to the Planning & Zoning Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code.

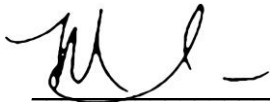
IX. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

X. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending public meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting. Please contact the City Secretary at 817-985-2104 or (TTY) 1-800-735-2989.

CERTIFICATION

I CERTIFY THAT A COPY OF THE August 15, 2019, 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 SCHEDULED TIME OF SAID MEETING, IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.



MELISSA DAILEY, AICP
DIRECTOR OF PLANNING AND
ECONOMIC DEVELOPMENT

PLANNING & ZONING COMMISSION MINUTES
COMMISSIONERS REGULAR MEETING | July 30, 2019
WORK SESSION AT 6:00 PM, REGULAR MEETING AT 7:00 PM
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER Martha Dibella called the meeting to order at 6:01 PM

Staff present – Melissa Dailey and Meghan Riddlespurger

II. WORK SESSION

A. Discussion of addition of R4 (Residential) Zoning Category

Staff Presentation:

Melissa Dailey presented existing residential zoning categories versus proposed R4 category. Most recent residential developments used PD category to obtain smaller lots, indicating market demand for a smaller lot zoning category. Staff recommended consideration of R4 zoning option for 50' width lots.

Billy Gilley asked if trees could be preserved more, and whether flood mitigation efforts produced more mosquitoes. Melissa Dailey stated that the tree preservation ordinance existed but could be strengthened, and that retention/detention ponds are usually circulated. Bob Gruenhagen asked Urban Village zoning took tax rates into consideration. Melissa Dailey stated that commercial and residential properties are assessed differently for taxation.

B. Discussion of modifications to UDC code for MF (Multi-Family) Zoning

Staff Presentation:

Melissa Dailey presented proposed changes to the multi-family zoning category in response to market demand in the DFW area. The proposed changes would somewhat mirror the requirements for developments in urban village/neighborhood village zoning. This would enhance the requirements for multi-family zoning and provide higher quality housing options. The ability for more developers to utilize the category increases the tax base by developing vacant property not suitable for single-family, such as in commercial corridors where single-family probably would not develop. The recommended changes induce more connectivity and higher quality building form than the current requirements of the multi-family zoning category.

Billy Gilley asked whether the proposed changes to the multi-family zoning category would strengthen tree preservation. Melissa Dailey stated that the tree preservation ordinance applies to all new development in the city. Kayla Hughes stated that the enhanced requirements for multi-family would encourage more cohesive developments that mirror those seen in urban areas in neighboring cities. Melissa Dailey said the housing market is trending toward denser multi-family developments. John Hivale asked for clarification on side setbacks, building faces, parking lots, fenestration, building lines, and tree requirements. Melissa Dailey reviewed each. John Hivale suggested that the city provide three-dimensional model video examples of all requirements. Melissa Dailey explained the budget constraints of that. John Hivale asked about whether the phrase "varied financial means" meant apartments would all be low income. Melissa Dailey stated no, not all multi-family developments are affordable housing.

The Work Session ended at 6:41 p.m.

IX. EXECUTIVE SESSION

No Executive Session was held.

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

No action was taken.

III. REGULAR SESSION

Martha Dibella called the meeting to order at 7:00 PM

IV. ROLL CALL

No roll was called by secretary. Attendance was noted at time of meeting.

PLANNING & ZONING COMMISSION				
PLACE	MEMBER	PRESENT	ABSENT	VOTING
1	GREG ADAMS		X	
2	MARTHA DIBELLA	X		X
3	BOB GRUENHAGEN	X		X
4	KAYLA HUGHES	X		X
5	SHELDON GERRON	X		X
6	BILLY DON GILLEY	X		X
7	JOHN HIVALE	X		X
8	BRENT JONES (Alt)	X		X
9	ALLEN RAY (Alt)		X	

A QUORUM WAS PRESENT

V. VISITOR AND CITIZEN FORUM

There were no speakers.

VI. REPORTS AND ANNOUNCEMENTS

There were no reports or announcements.

VII. MINUTES APPROVAL

Consider approval of minutes for regular meeting on June 27, 2019

Kayla Hughes motioned to approve the minutes for June 27, 2019. Bob Gruenhagen seconded the motion. The motion passed unanimously.

VIII. DECISION ITEMS

- A. **Case #PZ 19-05** to conduct a public hearing and consider a request by Cannon Maki for a rezoning from "R3" Residential to "C2" Commercial for approximately 6 acres located at 5306 Kennedale Sublett Road, Abstract 792, Tract 1 Less HS, James R Hawkins Survey, City of Kennedale, Tarrant County, Texas.

Staff Presentation: Melissa Dailey gave a presentation on the proposed rezoning. The site is currently vacant, adjacent to new commercial developments and pad sites in Arlington including Kroger grocery store. Also adjacent is a new self-storage unit being developed to the east, and adjacent to the self-storage is more commercial development. To the west is Steeplechase neighborhood. While the whole site is planned for redevelopment by developers, the parcel being considered for rezoning is in the front facing Kennedale Sublett Road. Melissa Dailey gave information on the nature of development in the area and compliance with the future land use plan. Staff recommends approval.

Public Hearing:

Claire McCartney, Kennedale resident, asked for clarification on what was being rezoned. She expressed that due to the elevation of the site, any development would adversely impact surrounding properties with more drainage issues than that which is already occurring. She also expressed that the commercial zoning category was too flexible and might allow pawn shops or bars, that development might cause an urban heat zone, and that there would be more traffic, light pollution, noise pollution, trash, rodents, insects, and crime.

Carolyn Williamson is a Kennedale resident who has lived at the property all of her life. She expressed excitement that development is happening at the site and said that the recent Arlington developments

have helped to improve the drainage issues in the area and have led to better roads and traffic management nearby. She expressed her belief that the development at the site would be high quality.

Tracy Hardy lives adjacent to the property in Kennedale and expressed concern with the drainage issues in the area due to the elevation of the property to be developed. She stated that the rezoning to C2 would raise concerns with privacy, strip clubs, traffic, trash, smells, and rodents. She stated that if the property is developed at its current elevation, people could look into her backyard while she was unclothed.

Sylvia Howell lives nearby and sought clarification on the survey and size of the parcel to be rezoned. She expressed concern that the road would need to be extended and would need traffic management, and asked whether any Kennedale staff have ever talked to City of Arlington staff. She also expressed concerns regarding drainage.

Laurie Sanders completed a speaker form but stated she did not wish to speak. She expressed support for the rezoning from her seat.

Commission Discussion:

Melissa Dailey addressed questions that were raised during public hearing. She stated that all development projects must undergo review, and that the review includes drainage plans that must conform with standards set by Integrated Stormwater Management (iSWM) which requires developments to meet obligations set by the state and federal governments regarding flood mitigation, water protection, and erosion. All plans are engineered, then reviewed and approved by City of Kennedale engineering review. She stated that C2 zoning does not allow strip clubs. She explained the cooperation between Kennedale and City of Arlington staff throughout the development processes thus far and continuing forward, including the need for Kennedale Sublett Road to be improved for both traffic and walkability.

Bob Gruenhagen stated that the portion being rezoned that faces Kennedale Sublett would not be developed as single-family because it faces traffic and commercial development.

John Hivale reviewed the concerns raised by residents nearby and stated that if commercial development increases, crime increases too. He stated that he lives in the area near the development and stated that drainage is a concern.

Devin Farris and Matt Peterson were present to represent the developer and both offered to answer questions. Devin Farris explained how they would mitigate drainage issues and would develop the first drainage plan ever done for the parcel. Devin Farris answered questions from commissioners on their desires for the development they were planning and explained how they would address adjacent existing residential. Matt Peterson gave an overview of upcoming road improvements planned by the City of Arlington that would serve the area including their development.

Kayla Hughes made the motion to approve the application. Brent Jones seconded the motion. The motion passed with a 4-2-1 vote. Bob Gruenhagen, Brent Jones, Martha Dibella, and Kayla Hughes voted in support, Sheldon Geron and Billy Gilley abstained, and John Hivale voted against. Melissa Dailey asked that the abstentions be explained so that they were notated in the minutes. Sheldon Geron stated that no one would live in any houses built, but that the neighbors did not want businesses, so it was a no-win situation. Billy Gilley said he knew people on both sides and would not commit to a vote.

- B. **Case #PZ 19-06** to conduct a public hearing and consider a request by Adlai Pennington for a rezoning from "I" Industrial to "C2" Commercial for approximately 2 acres located at 1170 E Kennedale Parkway, Abstract 378, Tract 1DD01, E C Cannon Survey, City of Kennedale, Tarrant County, Texas.

Staff Presentation: Melissa Dailey gave an overview of the request by Adlai Pennington to rezone to C2 because his current I zoning does not allow him to install a drive-through window at his restaurant. She explained that the site is surrounded primarily by industrial and retail uses like auto parts sales. She stated that the future land use plan envisions Kennedale Parkway as a commercial corridor with commercial uses fronting the parkway and light industrial behind, so the rezoning request is consistent with the land use plan. She stated that the current uses of the site would fit the requested zoning, so the request simply means that the current use would be in compliance with its zoning. Staff recommends approval.

Public Hearing:

Ron Sturgeon owns a property two lots to the south of Adlai Pennington's property. He asked why the current use was able to obtain a CO and stated that the rezone request was a conflict of interest because the EDC owns the building and rents it to the tenant who applied for a rezoning. Mr. Sturgeon stated that the city master plan on a website in 2012 said the narrow strip in the front of the property should be commercial, but that the rest of the 2 acres should be industrial. He stated that the zoning change would require screened outdoor storage for other property owners, and that Kennedale should incentivize more industrial uses. He stated that the south portion of Kennedale Parkway should be left alone by the city and that it wasn't a good place for putt-putt golf or weddings.

Joe Palmer is a Fort Worth resident and spoke in representation of a group of Kennedale Business Owners titled "KABO". He stated that the city government was business friendly and that the city has a unique profile. He stated that a master plan should have a diligent review process with citizen input, and that the zoning change shows a difference between local business owners and taxing entities. He stated that staff should not recommend approval because he believes the city owns the EDC owned property and asked that staff withdraw the recommendation.

Karl Hall representing Speed Fab-Crete said the nature of their business is loud, industrial, and shakes the ground, and that a property rezoning commercial would be a bad fit. He stated that he was concerned he might get a neighbor who did not like his business, and was also concerned about parking availability on the site being rezoned.

Adlai Pennington, the applicant, said that he answered an RFP for the EDC years prior and that he was awarded the tenant agreement for the site, so he has run several business ventures at the site and recently wanted to add a drive-through window at his restaurant. He said he was surprised at the comments made by neighboring property owners because he and the owners had maintained positive relationships in the past. He stated that retail has been historically located at sites adjacent to his, and the rezoning request is compatible with the area because it is surrounded by retail. John Hivale asked Mr. Pennington whether he ever considered changing his business and doing something industrial. Mr. Pennington responded that the parcel is too small for that to be possible.

Commission Discussion:

Kayla Hughes asked whether the business owner would lose his business if the commission were to vote not to recommend the zoning request. Melissa Dailey answered that staff has not determined the exact time the property was annexed and zoned industrial. She stated that the request is a question of whether C-2 makes sense for the site. John stated that the business should continue to run and generate income as long as the industrial business owners adjacent to the property had no complaints. Melissa Dailey explained that typically heavy industrial uses have a negative impact on commercial uses, not the other way around. Bob Gruenhagen stated that he was confused about the color of the future land use chart and believed the property should remain industrial. John Hivale expressed concern that if the request were granted, all of the industrial business owners would have to move eventually because of the future land use plan. Melissa Dailey stated that the city does not intend to initiate any zoning changes.

Billy Gilley made a motion to table the item until more information could be provided. Kayla Hughes and Brent Jones seconded the motion. Melissa Dailey asked the commission to clarify what information was needed but no clarification was provided. The motion passed 7-0.

- C. **Case #PZ 19-07** Consider approval of a preliminary plat for Carl E. Greer for approximately 2 acres for a new development consisting of 14 single-family lots on property located at 917 Kennedale Sublett Road, legal description Tract 5, Abstract 980, J M Lilly Survey, City of Kennedale, Tarrant County, Texas.

Staff Presentation: Melissa Dailey gave an overview of the plat and the review process. She stated that the plat underwent a full review by the DRC and engineers, and that it met neighborhood village zoning requirements.

Public Hearing:

Carl Greer, the applicant answered questions. Bob Gruenhagen inquired about utility access and screening requirements, and Mr. Greer explained how the plat complied with each aspect of the review process.

Commission Discussion:

John asked whether any future development would comply with a new ordinance. Martha Dibella explained that lot was rezoned neighborhood village recently. Kayla Hughes stated that since the plat meets specifications required in the review process, approval was the commission's perfunctory duty.

Kayla Hughes motioned to approve the application. Bob Gruenhagen seconded the motion. The motion passed with a vote of 7-0.

XI. ADJOURNMENT

Chairman Dibella adjourned the meeting at 8:51 p.m.

Date: August 15, 2019

Agenda Item No: REGULAR ITEM A

I. SUBJECT

CASE # PZ-19-06 to conduct a public hearing and consider a request by Adlai Pennington for a rezoning from "I" Industrial to "C2" Commercial for approximately 2 acres located at 1170 E Kennedale Parkway, Abstract 378, Tract 1DD01, E C Cannon Survey, City of Kennedale, Tarrant County, Texas.

II. SUMMARY

BACKGROUND AND OVERVIEW	
Request	Rezone from I (Industrial) to C2 (Commercial)
Applicant	Adlai Pennington
Location	1170 E Kennedale Parkway
Surrounding Uses	Primarily Light and heavy industrial
Surrounding Zoning	I, PD-ID
Future Land Use Plan Designation	Light industrial
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

The property is currently operated as Red's Roadhouse, an event and party venue. The applicant leases the property from the Economic Development Corporation with the option to purchase the property.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The property fronts Kennedale Parkway and is surrounded by a variety of auto uses such as salvage yards and auto repair, and Speed Fab-Crete. Tarrant County has a maintenance facility across the street.

STAFF REVIEW

FUTURE LAND USE PLAN

The Future Land Use Plan indicates this property as Urban Corridor with Light Industrial District behind urban corridor uses fronting the Parkway. This use is consistent with the urban corridor use. The City does not have a zoning category for light industrial, only Industrial. The zoning category that captures many of the Light Industrial uses includes C2 zoning, which allows both commercial and some light industrial uses similar to existing uses near this site.

RELATED GOALS FROM THE COMPREHENSIVE LAND USE PLAN

The comprehensive plan goal related to this rezoning request falls under:
Principle # 2 - Economic Prosperity.,

Promote access to jobs. Create job opportunities in Kennedale that help stabilize the local tax base and allow residents to work close to home.

Support sustainable business practices. Encourage businesses to conduct their operations in support of the local economy to maximize growth and available resources.

CITY COUNCIL ENDS STATEMENTS AND GOALS

Business uses are compatible with residential areas.

Well planned community based on principles of a connected city, economic prosperity, and a thriving community.

SUMMARY

The applicant has leased this property from the Economic Development Corporation. The goal for the EDC was to attract business and create activity along Kennedale Parkway. Red's Roadhouse has been in operation as an events and party venue. The applicant would like to bring food service with a drive through to the site, which is not allowed in I zoning. Attracting restaurants brings business to Kennedale, helping to accomplish a goal for the Economic Development Corporation. The EDC, as the owner of this property, voted to approve the applicant's request to rezone the property to C2 at their regular meeting on June 25, 2019. This use is consistent with the urban corridor identified on the Future Land Use plan.

STAFF RECOMMENDATION

Based on the above analysis, staff recommends approval of the rezoning.

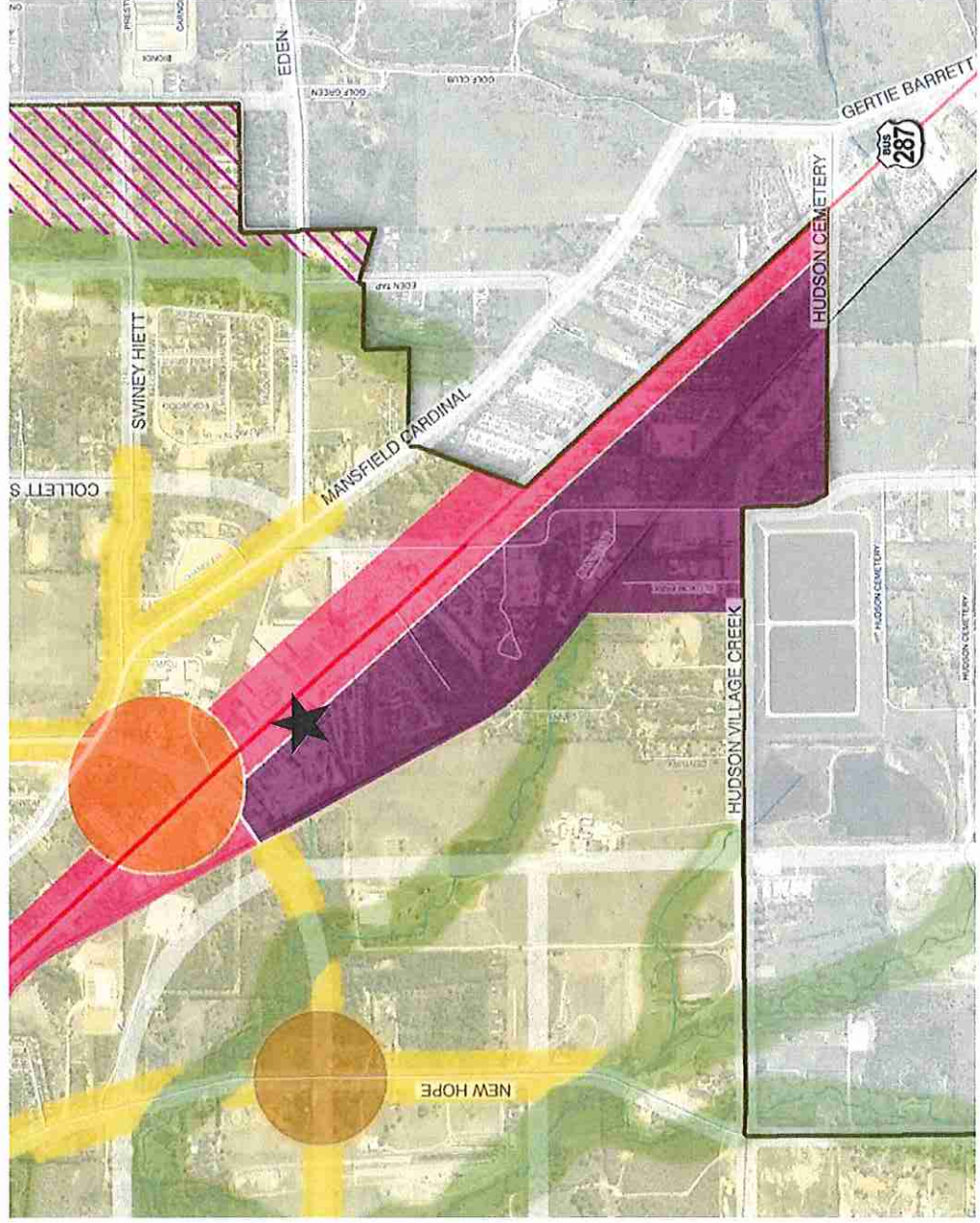
ACTION BY THE PLANNING & ZONING COMMISSION

Approval: Based on the information presented, I find that the request meets city requirements and is in compliance with the comprehensive land use plan and make a motion to approve the request for rezoning.

Deny: Based on the information presented, I find that the proposed use does not meet [list standards or requirements not met] and make a motion to deny the request.

[illegible]

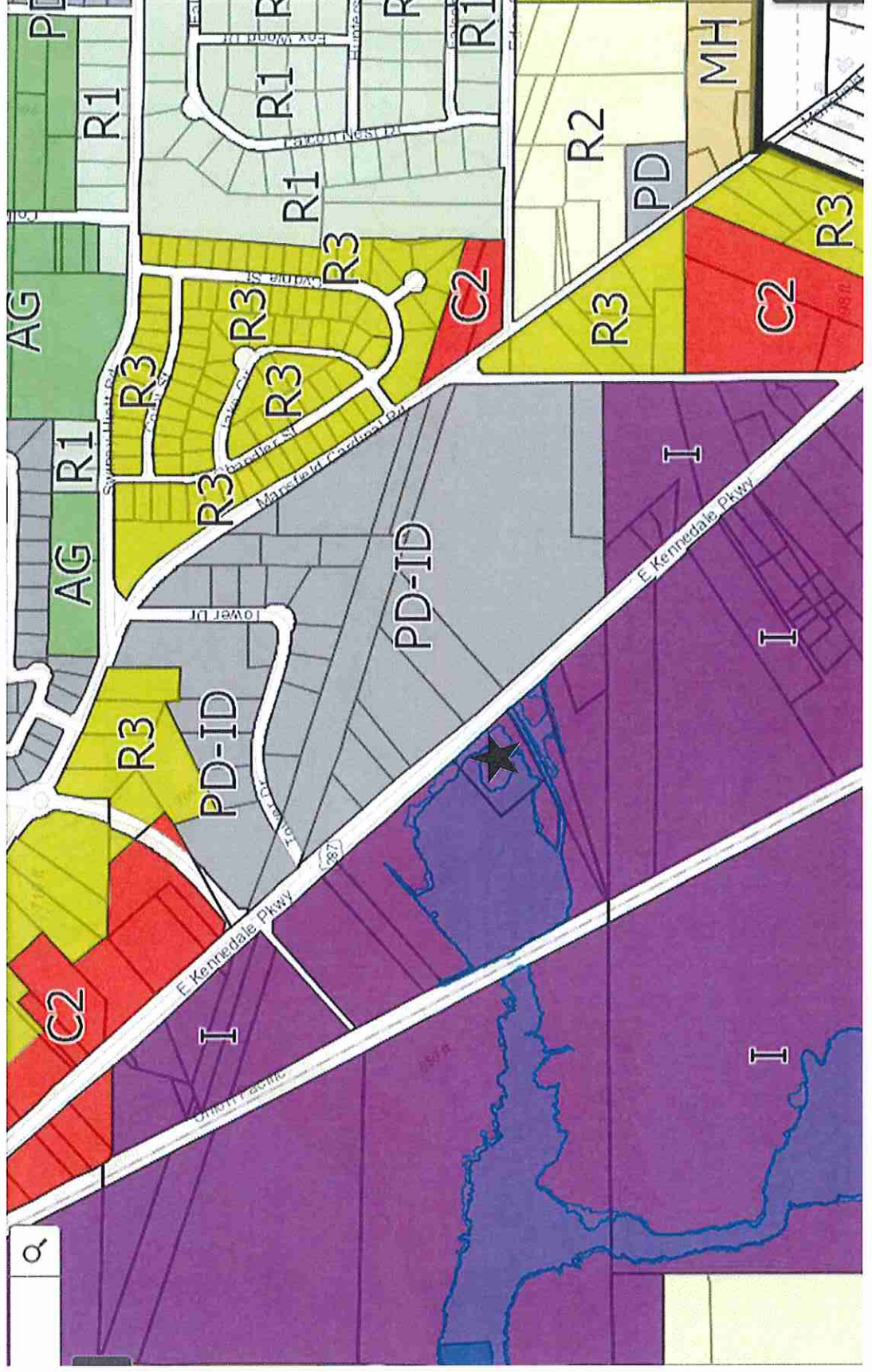
PZ 19-06 Future Land Use Plan 1170 E Kennedale Parkway



CATEGORIES

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

PZ 19-06 Zoning
1170 E Kennedale Parkway





Date: August 15, 2019

Agenda Item No: DECISION ITEMS - B.

I. Subject:

To conduct a public hearing and consider approval to amend the Unified Development Code to create a new R-4 residential zoning district and amend the following sections to provide for R-4 regulations: Section 3.1 "Purpose," Table 3.2 "Schedule of Uses: Agricultural and Residential Districts", Table 3.3 "Spatial Requirements", Section 10.9.C.1. "Dwellings per Lot", Section 11.2.B.3.a, "Accessory Building Materials", Section 11.30. "Residential Sales", Section 11.36.D.3, regarding distance from sexually oriented businesses, Section 11.38.D.1, "Temporary Use -Special Functions," Section 12.8.A.4, "Required Off-Street Parking", Section 13.2.A., "General Landscaping Requirements", Table 13.6, "Buffer Area Landscape Requirements", Section 29.5.D.10, regarding jurisdiction of ZBA to consider construction of accessory building.

II. Originated by: Melissa Dailey

III. Summary: Most of the residential developments in the last few years in Kennedale have been for smaller lot developments than what is currently allowed in the City's UDC code. The smallest width lot that is allowed for single family development is 80 foot wide in R3 zoning. The city's code currently has three zoning categories – R1 with 100 foot width and 1 acre minimum, R2 with 100 foot width and approximately 1/3 acre minimum, and R3 with 80 foot width and 1/5 acre minimum. Developments such as Glen of Village Creek, Hilltop, and the newest, Magnolia Hills, are all smaller lot developments of 5,000 – 6,000 square feet and most lots at 50 foot wide. A small new development of 14 homes targeted to baby boomers, Oak's Court, includes lots that are 40 foot wide. These developments are being built to respond to the significant growth in the Metroplex. More than half of the population is comprised of millennials and baby boomers, many of whom have a tendency to want properties with less yard and maintenance. The only current zoning option for these smaller lot developments is PD zoning, and the process to obtain a PD requires an extensive amount of time for developers. This longer approval time creates a deterrent to residential development for Kennedale. Planned Developments are intended to be a zoning option for unique developments that do not fit into any existing zoning categories. Smaller lot developments are not unique in this market, as evidenced by the trend for residential development in Kennedale in the last several years. In response to the demand for smaller lot developments being built in this market, staff is recommending an additional residential zoning category, R4, which would allow for a minimum 5000 square foot lot with 50 foot frontages and 5 foot side setbacks. As with all rezoning, a request for R4 zoning would be subject to the same review and approval process as other zoning applications, but the option for the smaller lot size would be available to developers and would streamline the process of obtaining PD zoning.

VII. Recommendation: Approve

IX. Attachments:



Section 3.1 Purpose

This article outlines the Agricultural and Residential Zoning Districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots.

- A. **Agricultural District (AG).** The AG District is established to be used primarily in areas where agricultural uses or open space currently exist and are planned to be preserved.
- B. **Single-Family Residential District (R-1).** The R-1 District is established to allow for larger, single-family dwellings on large lots. This district is intended to provide a more rural residential setting.
- C. **Single-Family Residential District (R-2).** The R-2 District permits dwellings on smaller lots.
- D. **Single-Family Residential District (R-3).** The R-3 District permits dwellings on smaller lots allowing for affordable housing for residents and is intended to accommodate development in existing subdivisions and new development.
- E. **Two-Family Residential District (D).** The D District is established to allow more affordable housing for both rental and ownership, as well as for a more diverse housing stock. This district is established to meet the needs for two-family residential development where such areas are suitable for higher densities than traditional areas of single-family dwellings.
- F. **Multi-Family Residential District (MF).** The MF District is established to meet the needs for medium to high density residential development where such areas are suitable for higher impact development and higher volume traffic while encouraging the provision of conveniently located rental accommodations.
- G. **Manufactured Home District (MH).** The MH District is intended to provide for quality manufactured home park subdivision development containing many of the characteristics and atmosphere of a conventional type single-family residential subdivision

Section 3.2 Schedule of Uses

Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in the UDC. Land and/or buildings in the districts indicated at the top of Table 3.2 may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings in this district may be used by right, subject to all other applicable provisions of the UDC.
- B. **Conditional Use (C).** Land and/or buildings are subject to review and permitting in accordance with *Article 24*.
- C. **Special Exception Use (S).** Land and/or buildings are subject to review and permitting in accordance with *Article 25*.
- D. **Not Permitted.** Blank cells indicate that a use is not permitted within the zoning district.





Table 3.2 Schedule of Uses: Agricultural and Residential Districts

Use	AG	R-1	R-2	R-3	D	MF	MH	Other
Accessory Uses								
Accessory buildings	P	P	P	P	P	P	P	11.2
Garage sales	P	P	P	P	P	P	P	11.10
Holiday tree and firewood sales	S							11.17
Home occupation	P	P	P	P	P	P	P	11.18
Outdoor display, accessory retail sales								11.23
Outdoor display, temporary accessory retail sales								11.24
Outdoor storage, commercial and industrial								11.25
Residential sales	P	P	P	P	P	P	P	11.30
Solar energy equipment	P	P	P	P	P	P	P	11.37
Accommodations, Hospitality, Entertainment								
Banquet hall								
Bed and breakfast	S	S	S	S	S	P		
Hotel/motel								
Micro-brewery								
Micro-winery with vineyard								
Micro-winery without vineyard								
Nightclub or dance hall								
Private club								
Recreation facility, campground	S							
Recreation facility, commercial indoor								
Recreation facility, commercial indoor, amusement machine establishment								11.26
Recreation facility, commercial indoor-pool or billiards hall								
Recreation facility, commercial indoor-gun shooting range	S							11.27
Recreation facility, commercial indoor-paintball or other survival games								
Recreation facility, commercial outdoor								11.28
Recreation facility, commercial outdoor-paintball or other survival games	S							11.28
Recreation facility, community-based	S	S	S	S	S	S	S	
Recreation facility, driving range	P							
Recreation facility, golf course	P	S	S	S	S	S	S	
Recreation facility, recreational vehicle park							P	11.29
Recreation facility, rodeo ground and arena	S							
Recreation facility, vehicular racing facility								





Table 3.2 Schedule of Uses: Agricultural and Residential Districts

Use	AG	R-1	R-2	R-3	D	MF	MH	Other
Restaurant								
Restaurant with drive-through								11.31
Restaurant with micro-brewery or micro-winery								
Restaurant with outdoor dining or service								
Tavern								
Theater, movie, indoor								
Agricultural								
Agricultural operation or farm	P	S	S	S				11.3
Agribusiness and feed store (without animal sales)	P							
Agribusiness and feed store (with animal sales)	S							
Agritourism	P							
Farmers market	S							
Greenhouse and nursery, commercial	S							11.15
Keeping of animals, hobby farm	P							
Roadside (produce) stand	S							11.32
Stables, private	P	S						
Stables, public/commercial	P							
Winery, with vineyard	P							
Industrial								
Impound vehicle storage facility								11.19
Landfill								
Manufacturing, processing and packaging- light								11.20
Manufacturing, processing and packaging- light, and associate retail sales								11.20
Manufacturing, processing and packaging- heavy								11.20
Mining and mineral extraction operation								11.22
Outdoor storage, commercial and industrial								11.25
Salvage operations								11.33
Warehousing								
Wholesale and distribution								
Mini-warehouse/self-storage								
Winery, without vineyard								
Infrastructure, Transportation, Communications								
Airport								11.5
Airstrip	S							11.5



Table 3.2 Schedule of Uses: Agricultural and Residential Districts								
Use	AG	R-1	R-2	R-3	D	MF	MH	Other
Bus terminal								
Essential services	P	P	P	P	P	P	P	11.9
Drilling and production of oil and gas	S	S	S	S	S	S	S	11.7
Freight terminal, railroad								
Freight terminal, trucking								
Gathering and compression station	S	S	S	S	S	S	S	11.7
Helicopter landing pad	S							11.5
Infrastructure and utilities- regional	S	S	S	S	S	S	S	
Parking facility, public or commercial								
Satellite transmission antenna	S	S	S	S	S	S	S	11.34
Waste management facility								
Waste management facility- transfer station								
Wind energy turbine	S							11.41
Wireless communication facility	S	S	S	S	S	S	S	11.42
Institutional/Civic								
Cemetery	S	S	S	S	S	S	S	
Community oriented cultural facility	P	P	P	P	P	P	P	
Community public safety- fire	P	P	P	P	P	P	P	
Community public safety- police	S	S	S	S	S	S	S	
Community public safety- prison or penitentiary								
Governmental facility	P							
Meeting facility								
Parks, playgrounds, outdoor recreation	P	P	P	P	P	P	P	
Place of worship	P	P	P	P	P	P	P	
School, college or university	S	S	S	S	S	S	S	
School, elementary, middle, high school	P	P	P	P	P	P	P	
School, nursery or kindergarten	S	S	S	S	S	S	S	
School, specialized/training								
Offices and Services								
Animal services, animal clinic/hospital								11.4
Animal services, commercial kennel	S							11.4
Animal services, shelter or rescue	S							11.4
Body branding, piercing and tattoo facility								
Child care center								11.6
Crematorium								
General offices and services, alternative financial establishments								11.11
General offices and services, bank/ financial services								





Table 3.2 Schedule of Uses: Agricultural and Residential Districts

Use	AG	R-1	R-2	R-3	D	MF	MH	Other
General offices and services, bail bond establishment								11.12
General offices and services- business services								
General offices and services- business support services								
General Offices & Services- Construction and Building Services, indoor storage								
General Offices & Services- Construction and Building Services, outdoor storage								11.25
General offices and services- gunsmith and sales								
General offices and services- personal services								
General offices and services- personal services- funeral home (without crematory services)								
General offices and services- personal services- laundry and dry cleaners								
General offices and services- professional and administrative services								
General offices and services- with a drive through facility								
Medical services, clinics								
Medical services, medical offices								
Medical services, hospital								
Vehicle repair, major								11.39
Vehicle repair, minor								
Vehicle wash								
Vehicle wash, trucks and heavy equipment								
Residential								
Day care, child day care home	P	P	P	P	P	P	P	11.6
Day care, group home day care home	S	S	S	S	S		S	11.6
Dwelling, attached accessory	S	S	S	S	S	S	S	11.8
Dwelling, detached accessory	S	S	S	S	S	S	S	11.8
Dwelling, multi-family						P		
Dwelling, multi-family, upper floor								
Dwelling, single-family	P	P	P	P	P	P	P	
Dwelling, single-family attached						P		
Dwelling, two-family					P	P		
Group housing, adult group home	P	P	P	P	P	P		11.16
Group housing, boarding (rooming) house						P		



Table 3.2 Schedule of Uses: Agricultural and Residential Districts								
Use	AG	R-1	R-2	R-3	D	MF	MH	Other
Group housing, convalescent or nursing home						P		
Group housing, fraternity or sorority home						P		
Group housing, halfway house	S	S	S	S	S		S	
Group housing, independent and assisted living						P		
Live-work unit								
Manufactured home community							P	11.21
Retail								
Bakery, retail- under 2,000 square feet of gross floor area								
Bakery, retail- 2,000 square feet or more of gross floor area								
General retail (indoor)								
General retail (indoor)- over 50,000 square feet of gross floor area								11.13
General retail (outdoor)								
General retail, alcohol sales								11.14
General retail (indoor)- auto parts								
General retail (indoor)- pawnshop								11.11
General retail with a drive-through								
Liquefied petroleum gas (LPG) sales								
Service station								11.35
Vehicle sales and rental: automobiles, light trucks, boats								11.40
Vehicle sales and rental: heavy equipment/tools, heavy trucks, RVs, manufactured homes								11.40
Other								
Similar uses	P, S, C	P, S, C	P, S, C	P, S, C	P, S, C	P, S, C	P, S, C	2.7
Sexually oriented business								11.36
Temporary construction office	S	S	S	S	S	S	S	11.38
Temporary sales office	S	S	S	S	S	S	S	11.38
Temporary use- special function	S	S	S	S				11.38

Section 3.3 Spatial Requirements

- A. **Spatial Requirements.** All lots shall meet the spatial requirements of Table 3.3. New lots shall not be created, except in conformance with these requirements. All buildings and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 3.3.





Table 3.3 Spatial Requirements: Agricultural and Residential Districts

Requirement		AG	R-1	R-2	R-3	D	MF	MH
Lots								
Min. Area (s.f.)	Sewer	43,560	21,780	15,000	8,750	8,750 ¹	2,750/ unit	5,000
	Septic	43,560	43,560	43,560	43,560	43,560	43,560	43,560
Max. Density (units per acre)		-	-	-	-	-	16	-
Min. Width (ft.)		80	100	100	80	70	75	50/lot
Min. Depth (ft.)		125	125	125	100	125	125	100/lot
Max Impervious (%)		50	50	50	50	50	50	50
Setbacks								
Min. Front (ft.) ¹	Primary	50	50	40	30	30	30	10/lot
	Secondary	20	20	20	15'	15	15	10
Min. Side (ft.)	Total ²	30	30	30	20	16	16	8
	Least	10	10	10	8	8	8	4
Min. Rear (ft.) ³		45	30	30	15	15	15	10/lot
Principal Buildings								
Max. Height (ft.)		50	50	40	40	35	30	22.5
Max. Stories (number)		2.5	2.5	2.5	2.5	2.5	2	1.5
Min. GFA (s.f.)		1,500	1,500	1,500	1,250	1,000/ unit	-	320
Min. Multi-Family	Efficiency	-	-	-	-	-	600	-
	One BR	-	-	-	-	-	800	-
	Two BR	-	-	-	-	-	900	-
Bedroom Area (s.f.) ⁴	Three BR	-	-	-	-	-	1,000	-
Min. Masonry (%)		80	80	80	80	80	80	-
Accessory Buildings (100 s.f. +)								
Max. Number		-	3	2	1	2	-	1
Max. Size (% of rear yard)		20	10	10	10	10	10	10
Max. Height (ft.)		-	15	15	15	15	-	-
Max. Stories (number)		1	1	1	1	1	1	1
Min. Side Street Setback (ft.)		-	-	-	-	-	15	-
Min. Side Setback (ft.)		8	8	8	8	8	8	-
Min. Rear Setback (ft.)		8	8	8	8	8	25	-
Min. Setback from Principal (ft.)		5	5	5	5	5	15	-

General Provisions





measured, up to the eave area or up to a maximum of 12 feet in height, whichever is less.

Section 10.8 Noxious Impacts Prohibited

Every use shall be conducted and operated in a way that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the parcel on which the use is located.

Section 10.9 Principal Use and Dwellings

- A. **Principal Buildings.** No more than one (1) principal building shall be placed on a parcel. In the case of residential condominium projects, each building site shall be limited to one (1) principal building.
- B. **Principal Use Collectively.** A parcel shall not be devoted to more than one (1) principal use, or contain more than one (1) principal building, except for mixed uses where permitted, or groups of retail, industrial, or agricultural buildings which are determined by the Administrator to be a principal use collectively, based on the following considerations:
 1. Individual buildings share common parking areas.
 2. Access to the buildings/uses is provided via shared access drives or streets.
 3. Buildings are under single ownership.
 4. Individual activities support one another (such as auto dealership/vehicle repair or a convenience store/restaurant/gas station), unless it is a mixed commercial and residential use allowed by the UDC.
 5. The buildings are architecturally consistent and compatible.
- C. **Dwellings.**
 1. **Dwellings per Lot.** No more than one (1) primary dwelling shall be permitted on any lot of record which is zoned as an AG, R-1, R-2, R-3 or MH District.
 2. **Accessory Dwellings.** Attached and detached accessory dwellings may be permitted as identified *Section 11.8*.
 3. **Conversions.** No dwelling shall be converted to create additional units unless located in a district which allows multiple units and unless the structure complies with all requirements for new structures in such district.

Section 10.10 Recreational Vehicle Parking

- A. **Applicability.** Recreational vehicles may be used for temporary living quarters in an approved recreational vehicle park, subject to the requirements of this section.
- B. **Unlawful Occupancy.**
 1. **Compliance.** It shall be unlawful for any person to occupy a recreational vehicle, or to permit the occupancy of any recreational vehicle except as specifically permitted in this article.
 2. **Exemption.** This section shall not apply to any recreational vehicle lawfully placed upon any property within the city before October 28, 1971.





34. Service station.
35. Sexually oriented businesses.
36. Solar energy equipment.
37. Temporary uses.
38. Vehicle repair, major.
39. Vehicle sales and rental.
40. Wind energy turbine.
41. Wireless communication facilities.

- B. **Special Exceptions and Conditional Uses.** A use identified the UDC as a special exception or condition use shall be established only according to the procedures and standards of *Article 24* and *Article 25*. All requirements listed in this article, in addition to any other applicable standards and requirements shall be met.

Section 11.2 Accessory Buildings

- A. **Intent.** Accessory buildings shall be incidental to a principal use and be located on the same lot.
- B. **Residential.**
1. **Commercial Activity.** Unless permitted as a home occupation, accessory uses shall not involve the conduct of any business, trade, or industry in any dwelling.
 2. **Accessory Buildings.** In any zoning district, an accessory building may be detached from the principal building or be an integral part of the principal structure, subject to the following requirements:
 - a. *Attached Accessory Buildings.*
 - i. An accessory building or garage shall be considered part of the principal building if it is structurally and architecturally integrated into the principal building, or is attached by an enclosed breezeway or similar architectural feature not greater than 10 feet in length.
 - ii. Attached accessory buildings are subject to the spatial requirements for principal buildings for the applicable zoning district.
 - b. *Detached Accessory Buildings.*
 - i. Detached accessory buildings are prohibited in front yards and are subject to the spatial requirements for accessory buildings for the applicable zoning district.
 - ii. Farm (produce) stands may be placed within the front yard and within the front setback, subject to any other applicable requirements.
 3. **Building Materials.**
 - a. Attached and detached accessory buildings shall be of new construction and have exterior walls made of wood, stone, brick, or vinyl siding. The Board of Adjustment may approve accessory buildings with an exterior building material other than wood, stone, brick or vinyl siding in the R-1, R-2, R-3, D, and Old Town Districts.





placed in the park, a description and license number of the recreational vehicle, the name of the occupant and upon departure, the date the recreational vehicle is removed from the park. Entries shall be made in this book promptly upon arrival of the recreational vehicle and these records shall be open to inspection by city officials during normal business hours.

- B. **Utilities.** Every recreational vehicle park shall be equipped with sewage pumping and storage facilities approved, inspected and permitted by the city. Additionally, temporary electrical and water hook-ups meeting the approval of the city must be provided for each lot or space reserved for use by recreational vehicles.
- C. **Location.** A recreational vehicle park shall not be located in a floodplain or floodway as designated on the city's flood insurance rate map.

Section 11.30 Residential Sales

- A. **Ownership.** It shall be unlawful for any person to display or allow to be displayed for sale or lease on any lot any motor vehicle, boat or vessel subject to registration under V.T.C.A., Parks and Wildlife Code, Chapter 31, or camper shell designed for use on a motor vehicle unless such vehicle is owned by the actual occupant of the premises.
- B. **Limits.**
1. No more than two (2) motor vehicles, boats or other similar vessels subject to registration under V.T.C.A., Parks and Wildlife Code, Chapter 31, camper shells, tractors, plows, mowing equipment, or other implements of farming, or combination these items, shall be displayed on a lot at any one (1) time on a parcel in the AG, R-1, R-2 Zoning Districts.
 2. No more than two (2) motor vehicles, boats or other similar vessels subject to registration under V.T.C.A., Parks and Wildlife Code, Chapter 31, camper shells, or combination these items, shall be displayed on a lot at any one (1) time on a parcel in the R-3 and MH Zoning Districts.
 3. No more than one (1) motor vehicle, boat or other similar vessel subject to registration under V.T.C.A., Parks and Wildlife Code, Chapter 31, or camper shell shall be displayed on a lot at any one (1) time on a parcel in the D, MF, OT-1, OT-2, OT-3 and OT-4 Zoning District.

Section 11.31 Restaurant with Drive-Through

- A. **Hours of Operation.** In the EC-2 District, hours of operation for food service with drive-through shall begin no earlier than 6:00 p.m. and end no later than 10:00 p.m., except where the use is located entirely within 100 feet of the I-20/I-820 frontage road.

Section 11.32 Roadside (Produce) Stand

- B. **Right-of-Way.** Stands shall be placed outside of public right-of-way and clear visibility areas (*Section 10.16*).
- C. **Front Yard.** Stands may be placed within the front yard and within the front setback, subject to any other applicable requirements.





- b. The satellite antenna shall not be permitted in front or side yards. The satellite antenna shall be permitted in the rear yard provided it meets the minimum setback as is required for accessory buildings in residential districts and as for all buildings in nonresidential districts.
 - c. Satellite antennas shall not be permitted in easements.
 - d. No part of an antenna, or any attachment thereto may extend beyond the property lines of the owner of such antenna site.
2. **Lighting.** No auxiliary or outdoor lighting shall be allowed on the satellite antenna except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.

Section 11.35 Service Station

A. General Requirements.

1. Pump islands shall be set back a minimum of 25 feet from any street right-of-way line.
2. Pump islands shall be located a minimum of 100 feet from any residential district.
3. Columns and/or other supports for the canopy shall provide a masonry exterior finish that matches the exterior masonry construction of the structure.
4. No outdoor storage shall be permitted in conjunction with a service station.

- B. **Removal of Improvements.** Associated service station site improvements, i.e., gasoline pump islands, canopies, underground tanks, freestanding car washes, shall be removed from a site where the sale of gasoline has been discontinued for a period of six (6) months.

Section 11.36 Sexually Oriented Businesses

- A. **Intent.** It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- B. **Applicability.** Sexually oriented business are subject to Article VIII of the Kennedale Code of Ordinances and are subject to the licensing and application requirement of that Article.
- C. **Hours.** No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 12:00 a.m. (midnight) and 8:00 a.m. on weekdays and Saturdays, and 12:00 a.m. (midnight) and 2:00 p.m. on Sundays.
- D. **Location.** Except as otherwise permitted, a person commits an offense if he establishes, operates or causes to be operated, or expands a sexually oriented business within 1,000 feet of any of the following uses or locations within the city limits or extraterritorial jurisdiction of the city:





1. A church or synagogue;
 2. A public or private elementary or secondary school or licensed day-care center;
 3. A boundary of a residential district (including, but not limited to, zoning classifications AG, R-1, R-2, R-3, OT, D, MF and MH);
 4. A public park;
 5. A public library;
 6. The property line of a lot devoted to a residential use as defined in this article; or
 7. Another sexually oriented business.
- E. **Offense.** A person commits an offense if he establishes, operates or causes to be operated, or expands a sexually oriented business within the CCOD.
- F. **Exception.** A person may establish, operate or cause to be operated, a sexually oriented business at the following sites, even if such sexually oriented business is within 1,000 feet of a protected use listed or within the CCOD:
1. Tract 31C of Abstract 1376 in the David Strickland Survey (1.0 acre);
 2. Lot 8, Block 14, Oakcrest Addition (1.056 acres);
 3. Tract 3G, Abstract 716, W.H. Hudson Survey (3.5 acres);
 4. Lot 1, T.W. Moore Addition; and
 5. Tract 31K1F, David Strickland Survey, Abstract 1376.
- G. **Limitation.** A person commits an offense if he establishes, operates or causes to be operated, a sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- H. **Measurement.** For the purposes of measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsections C (1-7) of this section.

Section 11.37 Solar Energy Equipment

- A. **Freestanding Equipment.** Freestanding solar collectors are accessory use structures and shall be subject to the requirements for such, together with all other applicable building codes and ordinances, including height limits.
- B. **Attached Equipment.** A structurally attached solar collector is attached to an existing structure's roof or wall or serving as a structure's roof, wall, window or other structural member.
1. Structurally attached solar collectors installed on a building with a sloped roof shall not project vertically above the peak of the roof.
 2. Structurally attached solar collectors installed on a building with a flat roof shall not project vertically more than five (5) feet above the roof.
 3. Roof-mounted or structurally attached solar energy systems shall comply with the maximum height requirements in the applicable zoning district.
- C. **Permitting.** A building permit, electrical permit, or any other permit related to work required to install solar energy equipment shall be obtained prior to installation of any solar energy equipment.



Section 11.38 Temporary Uses

- A. **Temporary Construction Office.** The location of a temporary office may be permitted on a site for which a building permit has been issued. Such office permit may be issued for no more than one (1) year, but may be extended if the builder maintains active and continuous construction on the site.
- B. **Temporary Sales Office.** A residential real estate sales office, located on a platted lot, may be permitted within a subdivision for which building permits have been issued and may be located either in a model home, in a temporary building, or in a portable trailer. Each permit shall specify the location of the office and area and shall be valid for a period set by the Board of Adjustment.
- C. **Temporary Batch Plant.** A temporary concrete or asphalt batch plant may be permitted for use by a contractor for the period of active and continuous construction requiring concrete or asphalt. A batch plant shall be located at least 500 feet from any occupied residential lot, and shall not be used for construction at any other location than the project for which it is permitted. An application shall include a copy of the approved State permit for such operation.
- D. **Temporary Use- Special Functions.**
1. **Locations.** Special functions may be permitted in an R-1, R-2, or R-3 Districts.
 2. **Term.** The maximum term of initial special exception approval will be for a period of one (1) year. The special exception may thereafter be renewed for longer periods of time if the use is in compliance with all applicable conditions.
 3. **Authorized Organizations.** Special exceptions for special events shall only be granted to non-profit organizations or for events for which all proceeds benefit a non-profit organization. Documentation of the 501(c)(3) status of the non-profit hosting the event or benefiting from the event shall be submitted as part of the application for a special exception.
 4. **Permit.** Regardless of the granting of a special exception for special functions, no special function shall be permitted unless the recipient of a special function special exception has applied for and received a special function permit from the city. The application for a special function permit shall be submitted to the city at least 30 calendar days before the date the special function is proposed to be held. The application shall state, at a minimum, the date and hours of the event, the number of people expected to attend, and the type of event.
 5. **Venue Plan.** Each applicant for a special function special exception shall be required to submit a venue plan as part of the application, in addition to any other standard application requirements for a special exception. The applicant must include at least the following information in the venue plan:
 - a. Proposed hours of events, including set-up and take-down time;
 - b. Proposed number of people who will attend events at the property;
 - c. The type of screening that will be installed between the property on which the events will be held and adjacent properties;
 - d. Plans for maintaining adequate traffic flow and preventing traffic congestion on the property and on public streets providing access to the property;
 - e. A description of any special sound equipment that may be used;
 - f. A copy of the TABC permit for any events at which alcohol will be served;





e. No required off-street parking facility shall be used for sales, non-vehicular storage, repair, or service activities.

2. **Striping.** For all multifamily and nonresidential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface. Parking spaces shall be designed to not interfere with or encroach into fire lanes or other areas necessary for aisles or maneuvering of vehicles.

D. Commercial and Large Vehicle Parking Restrictions.

1. **Parking of Vehicles in Right-of-Way.** It is unlawful for any person to park and/or permit any other person to park a recreational vehicle, utility vehicle, commercial vehicle, boat, or trailer that intrudes into the public right-of-way or obstructs visibility from adjacent driveways or street corners.
2. **Truck Tractors, Trailers, and Large Commercial Vehicles.** Parking of commercial vehicles over 10,000 pounds gross weight, exceeding 20 feet in length and/or seven and a half (7 ½) feet in width, is prohibited in residential areas, except on a temporary and non-regular basis not exceeding six (6) hours when sight visibility is not obstructed.
3. **Extended Parking.** No motor home, travel trailer, or other recreational vehicle, and no 18-wheeler (including the tractor or the trailer, or both) may be parked in a public parking lot for more than five (5) consecutive hours.

Section 12.8 Required Off-Street Parking

A. Specific Residential Parking Requirements.

1. **Parking in Yards Prohibited.** No person shall park any vehicle or trailer in any front or side yard in any residential district except on an all-weather parking surface which is provided to accommodate off-street parking.
2. **AG District.** Parking spaces for at least two (2) vehicles shall be outside of the front setback.
3. **R-1 District.** Parking spaces for at least two (2) vehicles shall be outside of the front setback. A front entry garage is prohibited unless the vehicle entryway is screened from view from the front public right-of-way by the dwelling or other structure. For the purposes of this section, a porte-cochere shall constitute sufficient screening of a front entry garage provided the vehicle entryway of the garage is located no less than 80 feet from the front property line. Regardless of the orientation of the garage required by this section, any gate or door to a porte-cochere must be of wrought iron construction and must not screen more than 25 percent of its entryway.
4. **R-2, R-3 Districts.** Parking spaces for at least two (2) vehicles shall be provided in an enclosed garage for any single-family dwelling constructed after the date of adoption of this section. A front entry garage is prohibited unless the vehicle entryway is screened from view from the front public right-of-way by the dwelling or other structure. For the purposes of this section, a porte-cochere shall constitute sufficient screening of a front entry garage provided the vehicle entryway of the garage is located no less than 80 feet from the front property line. Regardless of the orientation of the garage required by this section, any gate or door to a porte-cochere must be of wrought iron construction and must not screen more than 25 percent of its entryway.





Section 13.1 Purpose

It is the purpose of this article to establish certain regulations pertaining to landscaping, screening, and lighting within the city. These regulations provide standards and criteria which are intended to:

- A. Protect and promote appropriate native vegetation;
- B. Create larger, more connected plant populations, helping ensure the future of native plant species by increasing their ability to migrate in response to changes in climate;
- C. Provide landscape elements which conserve water, moderate air temperatures, reduce pollution, and minimize erosion and flooding;
- D. Promote the use of native and adaptive plants for all proposed development and for existing development expansion or modifications;
- E. Promote the value of property, enhance the welfare, and improve the physical appearance of the city;
- F. Reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment;
- G. Preserve and improve the natural and urban environment by recognizing that the trees can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the city;
- H. Screen obtrusive and incompatible land uses from sight to reduce potential impacts; and
- I. Reduce distracting and harmful light pollution and spillover impacts to adjacent properties, the public right-of-way, and the night sky.

Section 13.2 General Landscaping Requirements

- A. **Applicability.** The requirements contained in this article shall be applicable to all zoning districts in the city except for the AG, R-1, R-2 and R-3 zoning districts; however any non-residential use (such as, but not limited to, governmental, nonprofit, religious, institutional, and educational facilities) located within the AG, R-1, R-2, and R-3 zoning districts, which involves the construction of any principle building, parking area, or sign, shall comply with the requirements contained in this article. The requirements in this article shall apply in the following situations:
 1. When an existing building is proposed for remodeling, alteration, addition, or expansion, and the value of the proposed construction exceeds 75 percent of the current appraised value of the existing structures, excluding the value of the land;
 2. When an existing building is proposed for an addition that will have the cumulative effect of increasing the footprint of the original building existing on the date of the adoption of this article by more than 50 percent;
 3. When new construction is proposed on the property;
 4. As a requirement of the approval of a rezoning, special use permit, or PD;
 5. When a new certificate of occupancy is requested and two (2) or more years has passed since the last occupancy of the property; or





6. There is a change in use of the property. A change in use shall be defined as occurring when one (1) of the following conditions is satisfied:
 - a. The new use of the property is first allowed in a less restrictive (more intensive) zoning district than the most recent use; or
 - b. A rezoning to a less restrictive (more intensive) zoning district classification is necessary.
- B. **Kennedale Parkway.** Development along Kennedale Parkway shall follow the landscaping plans approved for the City of Kennedale's landscaping on the TxDOT green ribbon grant program.
- C. **Certificate of Occupancy.** Required landscaping shall be installed in accordance with the approved landscape prior to a certificate of occupancy, unless the approving authority authorizes occupancy prior to complete landscape installation, due to unforeseen weather conditions or the timing of construction as it relates to the planting season. In cases where deferment is approved, a performance guarantee may be required.
- D. **Installation and Maintenance.** Landscaped areas are subject to the following conditions:
 1. All required landscaped area shall be permanently landscaped with living plant material.
 2. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.
 3. Required plant materials which die shall be replaced with plant material of similar variety and size.
- E. **Number.**
 1. **Substitution.** No substitution of plant species or sizes shall be allowed unless approved by the Administrator in writing.
 2. **Existing Trees and Shrubs.** Existing plant material that complies with the standards and intent of this article may be credited toward meeting the landscape requirements. An applicant must clearly demonstrate the size and type of existing vegetation used to meet the requirement or part of a requirement.
 3. **Variety.** The overall landscape plan shall not contain more than 33 percent of any one (1) tree species.
 4. **Rounding.** Where this article requires landscaping based on a particular distance measured in feet along a property boundary and a dimension results in a fraction of the given requirement, any fractional result less than 25 percent of the required distance may be disregarded.
- F. **Review.** The following criteria shall be used to evaluate proposed landscape plans:
 1. Native Plants and Plan. The landscape design should incorporate native plants and have proportion, balance, unity and color.
 2. Defining Space. Landscape design should define spaces including entrance area, pedestrian paths, vehicular avenues, parking areas, sitting areas, etc.
- G. **Exemptions.** The following areas are exempt from this ordinance, however, the use of invasive exotic plant species is prohibited.





2. **Utilities.** Canopy trees may not be planted beneath utility lines.

Section 13.6 Buffering

A. General Requirements.

1. A landscape buffer area is required when any use in a Commercial or Industrial District (*Article 6*) is adjacent to Agricultural or Residential Zoning Districts (*Article 3*), Old Town District (*Article 4*) or Neighborhood or Urban Village District (*Article 5*). Additionally, any principal non-residential and non-agricultural use permitted in the agricultural and residential zoning districts is subject to buffering requirements when adjacent to properties within the same districts.
2. A buffer area is not required if the qualifying adjacent zoning districts are separated by a public right-of-way.
3. The buffer area shall abut the applicable property line, and plantings shall fall within the required buffer area width.
4. A buffer area shall be required even when the adjacent property is undeveloped.
5. Buildings, structures, and parking lots may not encroach into the buffer area. Driveways may cross the required buffer areas perpendicularly.
6. Stormwater management measures, such as areas for infiltration or retention, may be located in the buffer area, provided the planting requirements can still be met.

- B. **Buffer.** Buffer area types applicable to the following zoning districts are indicated in Table 13.6.

Table 13.6 Buffer Area Landscape Requirements			
District	Type	Min. Width	Min. Landscaping Requirements per 50 Linear Ft.
AG, R-1, R-2, R-3, D, MF, MH (non- agricultural and residential principal uses)	1	10 ft.	1 canopy tree or 1 evergreen tree 1 ornamental tree or 12 shrubs
C-0, C-1, C-2	2	10 ft.	1 canopy tree 1 evergreen tree or 1 ornamental tree 8 shrubs
I	3	25 ft.	2 canopy trees 1 evergreen tree or 1 ornamental tree 12 shrubs

C. Alternatives.

1. **Arrangements.** Plants may be arranged formally or informally for a more natural effect.
2. **Berms.** Berms may be constructed in a buffer area to supplement landscaping. Minimum landscaping requirements shall be reduced by 50 percent where a berm at least three (3) feet in height is constructed for at least 85 percent of the length of the buffer area. Minimum buffer width shall be maintained.
3. **Privacy Fence.**





- a. A privacy fence may be used to supplement landscaping. For the linear footage a privacy fence is used, the minimum landscaping requirement shall be reduced by 75 percent, except as noted under sub-section (3), below. Minimum buffer width must be maintained.
 - b. To qualify for the reduction in minimum landscaping requirement, privacy fences must meet the following requirements:
 - i. Six (6) foot minimum height.
 - ii. Placed at least five (5) feet from the property line.
 - iii. Gaps between pickets must be no greater than one-half (½) of an inch.
 - c. For development within an "I" Industrial zoning district or within a "C-2" general commercial zoning district adjacent to a Type 1 zoning district (as shown in Table 13.6), a solid screening fence is required, and the minimum landscaping requirement shall be reduced by 50 percent.
 - i. The fence shall have a minimum height of six (6) feet and a maximum height of eight (8) feet.
 - ii. The fence shall be of the following materials: wood, exposed aggregate tilt wall, fired masonry, or other approved masonry material. Wood screening fences must have metal framing.
 - iii. A person erecting a wood screening fence shall ensure that the smooth side faces adjoining streets and the posts and rails face the interior of the lot.
4. **Reduction.** Where the distance between the building, parking area, or use is more than 200 feet from a side or rear lot line, the minimum landscaping requirement along that lot line may be reduced by 50 percent.

Section 13.7 Street Trees

- A. **Applicability.** Street trees shall be installed adjacent to public rights-of-way in Agricultural and Residential Zoning Districts (*Article 3*) and the Commercial or Industrial Districts (*Article 6*). This requirement is intended to produce an aesthetically attractive tree-lined streetscape along city roadways.
- B. **Requirements.**
1. Street trees shall be planted along all street frontages at the rate of one (1) tree for every 40 linear feet or fraction thereof, of street frontage as measured at the front property line.
 2. Street trees shall be planted within 25 feet of the front property line and shall be a minimum of 25 linear feet apart and a maximum of 50 linear feet apart.
 3. On corner and double-frontage lots, street trees shall be planted along all street frontages in the same manner.
 4. Street trees shall be placed in an area between parking areas, drive aisles, buildings, and the adjacent right-of-way.

Section 13.8 Screening

- A. **Purpose.** The requirements set forth in this section are intended to promote safety;





9. To hear and decide any special exceptions authorized by this article;
10. Consider construction of an accessory building in the R-1, R-2, R-3, Duplex and Old Town districts with an exterior building material other than wood, stone, brick, or vinyl siding; and
11. Allow the continuance for a specified amount of time of a nonconforming building or use of a building or land for more than three (3) years after the date the building or use becomes nonconforming in accordance with the provisions of the UDC, upon a showing that the owner has not recouped the owner's investment in the nonconforming building or use over the three (3) year period.

E. Actions.

1. In exercising its powers, the board may, in conformity with the provisions of the statutes of the State of Texas, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and shall have all the powers of the City Manager or other administrative official from whom the appeal is taken. The board shall have the power to impose reasonable conditions to be complied with by the applicant.
2. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or other administrative official, or to decide in favor of the application for a specific use permit on any authorized special exception use, or to effect any variance.

- F. Appeals of Board of Adjustment Action.** Any person or persons, jointly or severally aggrieved by any decision of the board, any taxpayer or any officer, department, or board of the municipality may present to a court of record (district court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within 10 days after the decision of the board and not thereafter.

Section 29.6 Floodplain Administrator

- A. Designation of the Floodplain Administrator.** The City Manager or his/her designee is hereby appointed the Floodplain Administrator and shall administer and implement the provisions of this article and other appropriate sections of 44 CFR § 59.1 et seq. (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. Duties and Responsibilities.** Duties and responsibilities of the Floodplain Administrator shall include, but are not limited to, the following:
1. Maintain and hold open for public inspection all records pertaining to the provisions of this article.
 2. Review permit applications to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
 3. Review, approve or deny all applications for development permits required by adoption of this article.
 4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.





Date: August 15, 2019

Agenda Item No: DECISION ITEMS - C.

I. Subject:

To conduct a public hearing and consider approval to amend Article 3 of the Unified Development Code by adding regulations for Multi-Family Residential District, including purpose, form and character, building form standards, parking, bicycle parking, street and streetscape, and landscaping, amending section 12.8.A.6, "Specific Residential Parking Requirements" for Multi-Family Residential District; and amending Table 13.6 "Buffer Area Landscape Requirements" as it pertains to Multi-Family District.

II. Originated by: Melissa Dailey

III. Summary: The Comprehensive Plan principles include promoting access to housing for people of varying financial means and residential preferences and supporting a walkable environment. The Unified Development Code includes a zoning category for "MF" Multi-Family for higher density residential developments, offering a different type of housing. However, the MF requirements do not result in a does site plan that result in a walkability community. Staff is recommending the attached revisions to the UDC code regarding MF zoning requirements. These revisions are similar to those in Village zoning within the UDC code that relate to residential development. These revisions will result in multi-family developments being urban in character and walkable both within the multi-family communities and connected to adjacent developments. This type of development is commonly being developed throughout the Metroplex in response to market demand.

VII. Recommendation: Approve

IX. Attachments:

Proposed Revisions to Multi-Family (MF) Zoning

Purpose:

To require a higher standard of development for new multi-family developments by utilized a form-based code similar to Village zoning. These modifications are consistent with the Comprehensive Plan Economic Prosperity principle of “Promoting access to housing”, providing housing options for people of varying financial means and residential preferences, while ensuring quality development in the City.

Form and Character:

Multi-family developments should have an urban building form and street frontage. The primary building form is street-oriented with windows across the façade and one or more entrances along the street. Buildings sit behind a landscaped dooryard and may be configured around a courtyard. The buildings define the street space and typically provide private open space through a combination of balconies, roof decks and spaces interior to the lot.

Building Form Standards

All buildings shall meet the following standards:

Height:

- The height of all buildings is measured in stories, with an ultimate building height in feet, measured to the top of the wall plate. At no time may a building exceed the prescribed maximum height in stories or in feet.
- All heights are measured from the average fronting sidewalk elevation (at the required building line) unless otherwise noted.
- A half-story (or attic story), defined as habitable space within a pitched roof, does not count against the maximum height in stories or feet, but may provide no greater than 75 percent of the square footage of the floor immediately below.
- The prescribed minimum story clear height shall be met within 30 feet of the required building line (RBL) and by at least 80 percent of each story floor area.
- The required ground story finished floor level shall be measured within 30 feet of any RBL.
- Residential entrances may be at grade, with transitions to meet the minimum finished floor elevation within the building interior.

Siting:

- Building facades shall be built to the RBL.
- The building façade shall be built to the RBL within 30 feet of a block corner.
- No part of any building or structure may encroach beyond the RBL or into any required setback except overhanging eaves, awnings, balconies, bay windows, stoops, steps or barrier free ramps approved by the Administrator.
- There are no side setbacks
- The parking setback line is generally 20 or 30 feet behind the RBL. Vehicle parking shall be located behind the parking setback line, except where parking is provided below grade, on street, or otherwise indicated.
- All lots, including corner lots and through lots, shall satisfy the build-to requirements for any and all of their RBL frontages.

Elements:

- Fenestration is regulated as a percentage of the façade between floor levels. Fenestration is measured as a glass area (including mullions, muntins, and similar window frame elements with a dimension less than one inch) and/or open area.
- At least one (1) functioning entry door shall be provided along each ground story façade. The maximum distance between functioning façade entrances shall not be exceed.
- In no case shall a garage door be located at or face the RBL.
- No privates fences may be constructed forward of the RBL.
- A garden wall may be used to define the street edge, to secure a pedestrian passage, to enclose a courtyard space, on rear lot lines, or to screen building service elements.

Height	
Max Building	3 stores and 38'
Minimum ground floor clear height	9'
Minimum upper story clear height	9'
Max Garden Wall Height	10'
Max Privacy Fence Height	7'
Siting	
Min Build-To	75%
Min Parking Steback	30'
Side setbacks	None required
Min rear setback with alley	3'
Min rear setback with no ally	20'
Garden wall	Permitted on unbuilt RBL
Privacy fence	Permitted on common and rear lot lines only
Elements	
Min/Max Ground floor Façade Fenestration	33 to 80%
Min/Max Upper Story Fenestration	20 to 70%
Max Blank Wall Limitation	30'
Max Distance between Façade Entrances	60'
Balconies	Permitted

Parking

- Parking may be located on the street, in a surface lot or in a structure.
- No parking shall be located between the building façade and the back of curb.
- All off-street parking shall be located behind the parking setback line, typically 25' feet or more behind the back of sidewalk
- All surface parking (as well as loading areas) shall be placed to the rear or to the side of the buildings, but in no case shall more than 60 feet of the property frontage (along the required building line) be used for surface parking.
- All surface parking and loading areas shall be screened from public areas, public sidewalks, and abutting residentially zoned properties by landscaping and a four (4) foot solid wall or a combination masonry and a wrought iron or metal fence.
- When parking is above grade within a structure, a façade treatment that is consistent (in terms of materials and design) with the building façade shall be provided for the parking floors/levels.

- Parking structures shall be constructed so that commercial uses occupy the ground floor level on all street frontages. Automobile parking spaces are to be provided as required in this section and configured according to Sections 12.8 and 12.9.
- Residential minimum reserved parking spaces per unit: Up to 1,000 square feet, regardless of bedroom count: one (1) space/unit. Above 1,000 square feet: one and a quarter (1.25) spaces per unit.

Bicycle parking:

- Sites and/or projects over 10,000 square feet in land area require one (1) tenant bicycle parking rack (2-bike capacity) per ten (10) units. Buildings under four (4) units shall have no requirement.
- Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right-of-way designated as the clear walkway nor shall they encourage on any required fire egress.
- On-street bicycle parking spaces (typically along the street tree alignment line) may be counted toward the minimum customer/visitor bicycle parking requirement. For areas with constrained street-space, an optional approach is to consolidate public bicycle parking in a single (1) dedicated on-street parking space per block.
- Bike rack design shall meet the requirements of Section 12.4D.

Permissive Parking and Loading Facilities :

Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design and operation of such facilities.

On-Street Parking

A parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site (where more than 50 percent of the space is fronting)

Each on-street parking space may only be counted once.

Loading Facilities

If provided, loading zones shall be located to the rear and/or alley side of buildings.

Parking Lot Plantings for New Development

Trees: for any surface parking lot not separated from the street or public realm by a building, the space between the RBL and the parking setback line shall be planted with canopy shade trees. Trees shall be planted at an average distance not to exceed 30 feet on center and aligned parallel three (3) to seven (7) feet behind the RBL or garden wall.

Edge

The edge of any surface parking lot adjacent to a single family lot shall:

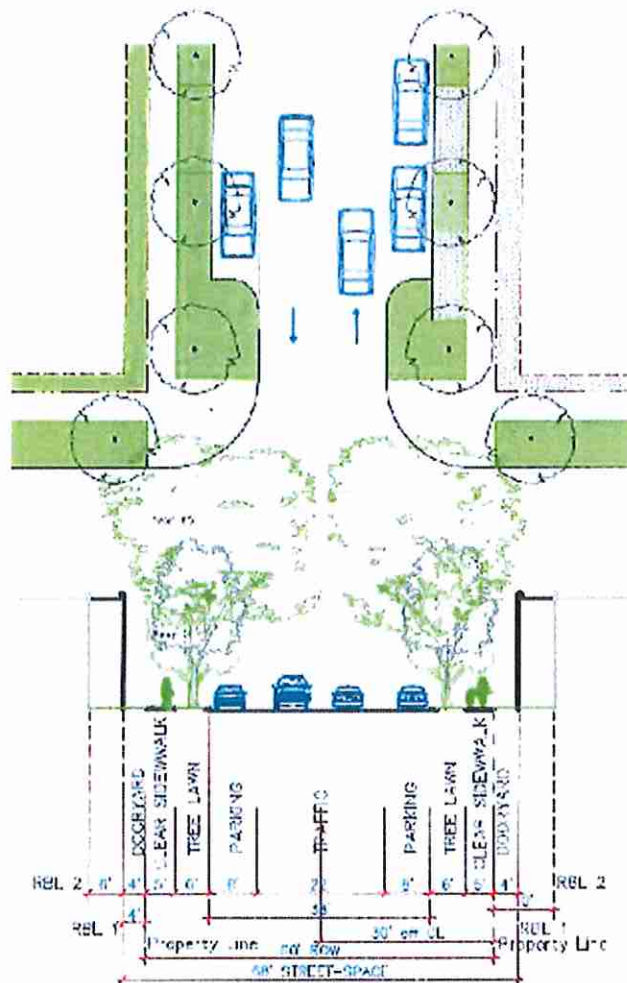
Be planted with canopy shade trees placed at an average distance not to exceed 40 feet on center and aligned parallel three (3) to seven (7) feet behind the common lot line; and

Have a garden wall or privacy fence along the common lot line at least three(3) feet in height.

Streets & Streetscape – Public Realm

The street graphic illustrates the recommended typical configuration for street spaces within multi-family developments. The plans and sections specify ideal vehicular travel lane widths, curb radii,

sidewalks, tree planting areas, and on-street parking configurations. The streets must work in conjunction with the building form standards to create the type of walkable place envisioned by the Comprehensive Plan. Streets must balance the needs of all forms of traffic – auto, bicycle and pedestrian.



**Section 3.1 Purpose**

This article outlines the Agricultural and Residential Zoning Districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots.

- A. **Agricultural District (AG).** The AG District is established to be used primarily in areas where agricultural uses or open space currently exist and are planned to be preserved.
- B. **Single-Family Residential District (R-1).** The R-1 District is established to allow for larger, single-family dwellings on large lots. This district is intended to provide a more rural residential setting.
- C. **Single-Family Residential District (R-2).** The R-2 District permits dwellings on smaller lots.
- D. **Single-Family Residential District (R-3).** The R-3 District permits dwellings on smaller lots allowing for affordable housing for residents and is intended to accommodate development in existing subdivisions and new development.
- E. **Two-Family Residential District (D).** The D District is established to allow more affordable housing for both rental and ownership, as well as for a more diverse housing stock. This district is established to meet the needs for two-family residential development where such areas are suitable for higher densities than traditional areas of single-family dwellings.
- F. **Multi-Family Residential District (MF).** The MF District is established to meet the needs for medium to high density residential development where such areas are suitable for higher impact development and higher volume traffic while encouraging the provision of conveniently located rental accommodations.
- G. **Manufactured Home District (MH).** The MH District is intended to provide for quality manufactured home park subdivision development containing many of the characteristics and atmosphere of a conventional type single-family residential subdivision

Section 3.2 Schedule of Uses

Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in the UDC. Land and/or buildings in the districts indicated at the top of Table 3.2 may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings in this district may be used by right, subject to all other applicable provisions of the UDC.
- B. **Conditional Use (C).** Land and/or buildings are subject to review and permitting in accordance with *Article 24*.
- C. **Special Exception Use (S).** Land and/or buildings are subject to review and permitting in accordance with *Article 25*.
- D. **Not Permitted.** Blank cells indicate that a use is not permitted within the zoning district.





Table 3.2 Schedule of Uses: Agricultural and Residential Districts

Use	AG	R-1	R-2	R-3	D	MF	MH	Other
Accessory Uses								
Accessory buildings	P	P	P	P	P	P	P	11.2
Garage sales	P	P	P	P	P	P	P	11.10
Holiday tree and firewood sales	S							11.17
Home occupation	P	P	P	P	P	P	P	11.18
Outdoor display, accessory retail sales								11.23
Outdoor display, temporary accessory retail sales								11.24
Outdoor storage, commercial and industrial								11.25
Residential sales	P	P	P	P	P	P	P	11.30
Solar energy equipment	P	P	P	P	P	P	P	11.37
Accommodations, Hospitality, Entertainment								
Banquet hall								
Bed and breakfast	S	S	S	S	S	P		
Hotel/motel								
Micro-brewery								
Micro-winery with vineyard								
Micro-winery without vineyard								
Nightclub or dance hall								
Private club								
Recreation facility, campground	S							
Recreation facility, commercial indoor								
Recreation facility, commercial indoor, amusement machine establishment								11.26
Recreation facility, commercial indoor-pool or billiards hall								
Recreation facility, commercial indoor-gun shooting range	S							11.27
Recreation facility, commercial indoor-paintball or other survival games								
Recreation facility, commercial outdoor								11.28
Recreation facility, commercial outdoor-paintball or other survival games	S							11.28
Recreation facility, community-based	S	S	S	S	S	S	S	
Recreation facility, driving range	P							
Recreation facility, golf course	P	S	S	S	S	S	S	
Recreation facility, recreational vehicle park							P	11.29
Recreation facility, rodeo ground and arena	S							
Recreation facility, vehicular racing facility								

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Agricultural and Residential Districts



Table 3.2 Schedule of Uses: Agricultural and Residential Districts

Use	AG	R-1	R-2	R-3	D	MF	MH	Other
Restaurant								
Restaurant with drive-through								11.31
Restaurant with micro-brewery or micro-winery								
Restaurant with outdoor dining or service								
Tavern								
Theater, movie, indoor								
Agricultural								
Agricultural operation or farm	P	S	S	S				11.3
Agribusiness and feed store (without animal sales)	P							
Agribusiness and feed store (with animal sales)	S							
Agritourism	P							
Farmers market	S							
Greenhouse and nursery, commercial	S							11.15
Keeping of animals, hobby farm	P							
Roadside (produce) stand	S							11.32
Stables, private	P	S						
Stables, public/commercial	P							
Winery, with vineyard	P							
Industrial								
Impound vehicle storage facility								11.19
Landfill								
Manufacturing, processing and packaging- light								11.20
Manufacturing, processing and packaging- light, and associate retail sales								11.20
Manufacturing, processing and packaging- heavy								11.20
Mining and mineral extraction operation								11.22
Outdoor storage, commercial and industrial								11.25
Salvage operations								11.33
Warehousing								
Wholesale and distribution								
Mini-warehouse/self-storage								
Winery, without vineyard								
Infrastructure, Transportation, Communications								
Airport								11.5
Airstrip	S							11.5



Table 3.2 Schedule of Uses: Agricultural and Residential Districts								
Use	AG	R-1	R-2	R-3	D	MF	MH	Other
Bus terminal								
Essential services	P	P	P	P	P	P	P	11.9
Drilling and production of oil and gas	S	S	S	S	S	S	S	11.7
Freight terminal, railroad								
Freight terminal, trucking								
Gathering and compression station	S	S	S	S	S	S	S	11.7
Helicopter landing pad	S							11.5
Infrastructure and utilities- regional	S	S	S	S	S	S	S	
Parking facility, public or commercial								
Satellite transmission antenna	S	S	S	S	S	S	S	11.34
Waste management facility								
Waste management facility- transfer station								
Wind energy turbine	S							11.41
Wireless communication facility	S	S	S	S	S	S	S	11.42
Institutional/Civic								
Cemetery	S	S	S	S	S	S	S	
Community oriented cultural facility	P	P	P	P	P	P	P	
Community public safety- fire	P	P	P	P	P	P	P	
Community public safety- police	S	S	S	S	S	S	S	
Community public safety- prison or penitentiary								
Governmental facility	P							
Meeting facility								
Parks, playgrounds, outdoor recreation	P	P	P	P	P	P	P	
Place of worship	P	P	P	P	P	P	P	
School, college or university	S	S	S	S	S	S	S	
School, elementary, middle, high school	P	P	P	P	P	P	P	
School, nursery or kindergarten	S	S	S	S	S	S	S	
School, specialized/training								
Offices and Services								
Animal services, animal clinic/hospital								11.4
Animal services, commercial kennel	S							11.4
Animal services, shelter or rescue	S							11.4
Body branding, piercing and tattoo facility								
Child care center								11.6
Crematorium								
General offices and services, alternative financial establishments								11.11
General offices and services, bank/ financial services								





Table 3.2 Schedule of Uses: Agricultural and Residential Districts

Use	AG	R-1	R-2	R-3	D	MF	MH	Other
General offices and services, bail bond establishment								11.12
General offices and services- business services								
General offices and services- business support services								
General Offices & Services- Construction and Building Services, indoor storage								
General Offices & Services- Construction and Building Services, outdoor storage								11.25
General offices and services- gunsmith and sales								
General offices and services- personal services								
General offices and services- personal services- funeral home (without crematory services)								
General offices and services- personal services- laundry and dry cleaners								
General offices and services- professional and administrative services								
General offices and services- with a drive through facility								
Medical services, clinics								
Medical services, medical offices								
Medical services, hospital								
Vehicle repair, major								11.39
Vehicle repair, minor								
Vehicle wash								
Vehicle wash, trucks and heavy equipment								
Residential								
Day care, child day care home	P	P	P	P	P	P	P	11.6
Day care, group home day care home	S	S	S	S	S		S	11.6
Dwelling, attached accessory	S	S	S	S	S	S	S	11.8
Dwelling, detached accessory	S	S	S	S	S	S	S	11.8
Dwelling, multi-family						P		
Dwelling, multi-family, upper floor								
Dwelling, single-family	P	P	P	P	P	P	P	
Dwelling, single-family attached						P		
Dwelling, two-family					P	P		
Group housing, adult group home	P	P	P	P	P	P		11.16
Group housing, boarding (rooming) house						P		



Table 3.2 Schedule of Uses: Agricultural and Residential Districts								
Use	AG	R-1	R-2	R-3	D	MF	MH	Other
Group housing, convalescent or nursing home						P		
Group housing, fraternity or sorority home						P		
Group housing, halfway house	S	S	S	S	S		S	
Group housing, independent and assisted living						P		
Live-work unit								
Manufactured home community							P	11.21
Retail								
Bakery, retail- under 2,000 square feet of gross floor area								
Bakery, retail- 2,000 square feet or more of gross floor area								
General retail (indoor)								
General retail (indoor)- over 50,000 square feet of gross floor area								11.13
General retail (outdoor)								
General retail, alcohol sales								11.14
General retail (indoor)- auto parts								
General retail (indoor)- pawnshop								11.11
General retail with a drive-through								
Liquefied petroleum gas (LPG) sales								
Service station								11.35
Vehicle sales and rental: automobiles, light trucks, boats								11.40
Vehicle sales and rental: heavy equipment/tools, heavy trucks, RVs, manufactured homes								11.40
Other								
Similar uses	P, S, C	P, S, C	P, S, C	P, S, C	P, S, C	P, S, C	P, S, C	2.7
Sexually oriented business								11.36
Temporary construction office	S	S	S	S	S	S	S	11.38
Temporary sales office	S	S	S	S	S	S	S	11.38
Temporary use- special function	S	S	S	S				11.38

Section 3.3 Spatial Requirements

- A. **Spatial Requirements.** All lots shall meet the spatial requirements of Table 3.3. New lots shall not be created, except in conformance with these requirements. All buildings and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 3.3.





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Agricultural and Residential Districts



Table 3.3 Spatial Requirements: Agricultural and Residential Districts

Requirement		AG	R-1	R-2	R-3	D	MF	MH
Lots								
Min. Area (s.f.)	Sewer	43,560	21,780	15,000	8,750	8,750 ¹	2,750/ unit	5,000
	Septic	43,560	43,560	43,560	43,560	43,560	43,560	43,560
Max. Density (units per acre)		-	-	-	-	-	16	-
Min. Width (ft.)		80	100	100	80	70	75	50/lot
Min. Depth (ft.)		125	125	125	100	125	125	100/lot
Max Impervious (%)		50	50	50	50	50	50	50
Setbacks								
Min. Front (ft.) ¹	Primary	50	50	40	30	30	30	10/lot
	Secondary	20	20	20	15'	15	15	10
Min. Side (ft.)	Total ²	30	30	30	20	16	16	8
	Least	10	10	10	8	8	8	4
Min. Rear (ft.) ³		45	30	30	15	15	15	10/lot
Principal Buildings								
Max. Height (ft.)		50	50	40	40	35	30	22.5
Max. Stories (number)		2.5	2.5	2.5	2.5	2.5	2	1.5
Min. GFA (s.f.)		1,500	1,500	1,500	1,250	1,000/ unit	-	320
Min. Multi-Family	Efficiency	-	-	-	-	-	600	-
	One BR	-	-	-	-	-	800	-
Bedroom Area (s.f.) ⁴	Two BR	-	-	-	-	-	900	-
	Three BR	-	-	-	-	-	1,000	-
Min. Masonry (%)		80	80	80	80	80	80	-
Accessory Buildings (100 s.f. +)								
Max. Number		-	3	2	1	2	-	1
Max. Size (% of rear yard)		20	10	10	10	10	10	10
Max. Height (ft.)		-	15	15	15	15	-	-
Max. Stories (number)		1	1	1	1	1	1	1
Min. Side Street Setback (ft.)		-	-	-	-	-	15	-
Min. Side Setback (ft.)		8	8	8	8	8	8	-
Min. Rear Setback (ft.)		8	8	8	8	8	25	-
Min. Setback from Principal (ft.)		5	5	5	5	5	15	-



5. **D District.** Parking spaces for at least two (2) vehicles shall be provided in an enclosed garage or under a carport for each dwelling unit of the two-family dwelling.
6. **MF District.** Parking spaces must be enclosed or covered and shall be located within the rear yard.
7. **MH District.** No enclosed or covered parking is specifically required, however, carports and garages are encouraged. Carports or other detached accessory buildings shall be located within the rear portion of the lot and shall not exceed one (1) story in height nor shall any such structure be located closer than 15 feet to the main building nor closer than four (4) feet to a side lot line, nor closer than 10 feet to any rear lot line nor closer than 10 feet to any side street.

B. Specific Commercial Parking Requirements.

1. Employment Center Districts.

Table 12.8 A Parking Requirements By Use- Employment Center Districts	
Use	Number of Spaces
All non-residential except lodging	1 per 250 square feet of building area
Residential	1 per unit
Lodging	1 per guest room plus 1 per 250 square feet for all areas not in a guest room or corridor for circulation such as lobby, restaurant, meeting rooms and similar space.

2. **Village Districts.** Parking shall be in accordance with Article 5.
3. **Parking Requirements by Use.**

Table 12.8 B Parking Requirements By Use	
Use	Number of Parking Spaces
Accessory Uses	
Dwelling, accessory	1 space per dwelling unit.
Accommodations, Hospitality, Entertainment	
Banquet hall, private clubs, lodge hall	1 for every 3 persons allowed within the maximum occupancy load as established by the city fire and building codes.
Bed and breakfast	2 for the owner/operator and 1 per leasable room.
Hotel/motel	1 per room, plus 1 per employee. In addition, spaces required for ancillary uses such as lounges, restaurants or places of assembly shall be provided and determined on the basis of the individual requirements for that use.
Restaurant	1 per 100 square feet of UFA.
Restaurants with carry-out or limited seating for eating on premises	6 per service or counter station, plus 1 per employee.
Restaurant with drive-through	1 for every 2 employees plus 1 for every 2 seats intended for patrons within the building, plus 1 for every 30 square feet of building floor area within the waiting area, plus 10 stacking spaces per food pickup window.





2. **Utilities.** Canopy trees may not be planted beneath utility lines.

Section 13.6 Buffering

A. General Requirements.

1. A landscape buffer area is required when any use in a Commercial or Industrial District (*Article 6*) is adjacent to Agricultural or Residential Zoning Districts (*Article 3*), Old Town District (*Article 4*) or Neighborhood or Urban Village District (*Article 5*). Additionally, any principal non-residential and non-agricultural use permitted in the agricultural and residential zoning districts is subject to buffering requirements when adjacent to properties within the same districts.
2. A buffer area is not required if the qualifying adjacent zoning districts are separated by a public right-of-way.
3. The buffer area shall abut the applicable property line, and plantings shall fall within the required buffer area width.
4. A buffer area shall be required even when the adjacent property is undeveloped.
5. Buildings, structures, and parking lots may not encroach into the buffer area. Driveways may cross the required buffer areas perpendicularly.
6. Stormwater management measures, such as areas for infiltration or retention, may be located in the buffer area, provided the planting requirements can still be met.

- B. **Buffer.** Buffer area types applicable to the following zoning districts are indicated in Table 13.6.

Table 13.6 Buffer Area Landscape Requirements			
District	Type	Min. Width	Min. Landscaping Requirements per 50 Linear Ft.
AG, R-1, R-2, R-3, D, MF, MH (non-agricultural and residential principal uses)	1	10 ft.	1 canopy tree or 1 evergreen tree 1 ornamental tree or 12 shrubs
C-0, C-1, C-2	2	10 ft.	1 canopy tree 1 evergreen tree or 1 ornamental tree 8 shrubs
I	3	25 ft.	2 canopy trees 1 evergreen tree or 1 ornamental tree 12 shrubs

C. Alternatives.

1. **Arrangements.** Plants may be arranged formally or informally for a more natural effect.
2. **Berms.** Berms may be constructed in a buffer area to supplement landscaping. Minimum landscaping requirements shall be reduced by 50 percent where a berm at least three (3) feet in height is constructed for at least 85 percent of the length of the buffer area. Minimum buffer width shall be maintained.
3. **Privacy Fence.**





- a. A privacy fence may be used to supplement landscaping. For the linear footage a privacy fence is used, the minimum landscaping requirement shall be reduced by 75 percent, except as noted under sub-section (3), below. Minimum buffer width must be maintained.
 - b. To qualify for the reduction in minimum landscaping requirement, privacy fences must meet the following requirements:
 - i. Six (6) foot minimum height.
 - ii. Placed at least five (5) feet from the property line.
 - iii. Gaps between pickets must be no greater than one-half (½) of an inch.
 - c. For development within an "I" Industrial zoning district or within a "C-2" general commercial zoning district adjacent to a Type 1 zoning district (as shown in Table 13.6), a solid screening fence is required, and the minimum landscaping requirement shall be reduced by 50 percent.
 - i. The fence shall have a minimum height of six (6) feet and a maximum height of eight (8) feet.
 - ii. The fence shall be of the following materials: wood, exposed aggregate tilt wall, fired masonry, or other approved masonry material. Wood screening fences must have metal framing.
 - iii. A person erecting a wood screening fence shall ensure that the smooth side faces adjoining streets and the posts and rails face the interior of the lot.
4. **Reduction.** Where the distance between the building, parking area, or use is more than 200 feet from a side or rear lot line, the minimum landscaping requirement along that lot line may be reduced by 50 percent.

Section 13.7 Street Trees

- A. **Applicability.** Street trees shall be installed adjacent to public rights-of-way in Agricultural and Residential Zoning Districts (*Article 3*) and the Commercial or Industrial Districts (*Article 6*). This requirement is intended to produce an aesthetically attractive tree-lined streetscape along city roadways.
- B. **Requirements.**
 1. Street trees shall be planted along all street frontages at the rate of one (1) tree for every 40 linear feet or fraction thereof, of street frontage as measured at the front property line.
 2. Street trees shall be planted within 25 feet of the front property line and shall be a minimum of 25 linear feet apart and a maximum of 50 linear feet apart.
 3. On corner and double-frontage lots, street trees shall be planted along all street frontages in the same manner.
 4. Street trees shall be placed in an area between parking areas, drive aisles, buildings, and the adjacent right-of-way.

Section 13.8 Screening

- A. **Purpose.** The requirements set forth in this section are intended to promote safety;

