

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING AN AMENDMENT TO THE CITY OF KELLER UNIFIED DEVELOPMENT CODE (UDC), ADOPTED BY ORDINANCE NO. 1746 DATED JULY 7, 2015, BY AMENDING ARTICLE EIGHT – ZONING DISTRICTS, DEVELOPMENT STANDARDS, TREE PRESERVATION, SECTION 8.03 – ZONING DISTRICTS, RELATING TO SUPPLEMENTAL REGULATIONS FOR FUEL PUMPS; AUTHORIZING PUBLICATION; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Keller, Texas, finds it to be in the best interest of the citizens to amend the Unified Development Code (UDC) as detailed in “Exhibit A” related to supplemental regulations for fuel pumps in the Retail Zoning District (UDC-22-0013); and

WHEREAS, these modifications will increase the number of fueling dispensers/pumps at a fueling station associated with a grocery store to five (5) dispensers or ten (10) fueling pumps; and

WHEREAS, the City’s Planning and Zoning Commission and the City Council, in accordance with the Charter of the City of Keller, State Law, and the ordinances of the City of Keller, have given the required notices and have held the required public hearings regarding the UDC amendment described in this ordinance; and

WHEREAS, the Planning and Zoning Commission held a public hearing on December 13, 2022 and recommended approval with the modification that up to six (6) dispensers or twelve (12) fueling pumps be allowed; and

WHEREAS, the City Council does find that there is community support for said revisions to the Unified Development Code, and that the public requires the amendment;

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, in accordance with the Unified Development Code, the City Council of the City of Keller, Texas hereby authorizes approval of amending the City of Keller Unified Development Code, adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Eight – Zoning Districts, Development Standards, Tree Preservation, Section 8.03 – Zoning Districts, relating to supplemental regulations for fuel

pumps; authorizing publication; providing a penalty; and establishing an effective date.

Section 3: THAT, all sections shall be amended to read as detailed in “Exhibit A,” incorporated into this Ordinance by reference.

Section 4: THAT, all other ordinances in conflict herewith are hereby repealed.

Section 5: THAT, any person, firm, or corporation violating any of the provisions of this Ordinance, as read together with the Unified Development Code and accompanying map thereto, shall be guilty of a misdemeanor and upon final conviction therefore shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such hereunder.

Section 6: THAT, if any section, paragraph, clause, phrase, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 7: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

Section 8: THAT, this Ordinance shall become effective thirty-days after the date of passage and adoption by the City Council of the City of Keller, Texas.

AND IT IS SO ORDAINED.

Passed and approved by a vote of ___ to ___ on this the 17th day of January, 2023.

CITY OF KELLER, TEXAS

BY: _____
Armin R. Mizani, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney