

ORDINANCE NO. 2064

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING TWO SPECIFIC USE PERMITS (SUPS) FOR A 1,440 SQUARE-FOOT DETACHED ACCESSORY STRUCTURE WITH AN AVERAGE HEIGHT OF 21 FEET, LOCATED ON ONE ACRE, SITUATED ON THE WEST SIDE OF ELKIN LANE AT THE INTERSECTION OF FLORENCE ROAD AND ELKIN LANE, LEGALLY DESCRIBED AS LOT 1, BLOCK 2 OF ARABIAN HORSE COUNTRY ADDITION, ZONED SINGLE-FAMILY 36,000 SQUARE-FOOT LOT SIZE OR GREATER (SF-36) AND ADDRESSED 990 ELKIN LANE, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Valter Moreira, Owner/Applicant, has requested two Specific Use Permits to construct a 1,440 square-foot garage with an average height of 21 feet, and peak of 23 feet, 9 inches (SUP-22-0005); and

WHEREAS, an SUP is required for an accessory structure to exceed 1,200 square feet in the SF-36 zoning district; and

WHEREAS an SUP is required for an accessory structure to exceed an average height of 15 feet tall in the SF-36 zoning district; and

WHEREAS, the City of Keller City Council (the "City Council") finds and determines that the passage of this ordinance is deemed necessary in order to protect the public, health, safety, and welfare; 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 SUP applications described in this ordinance; and

WHEREAS, the Planning and Zoning Commission has made a recommendation to approve the request for SUPs; and

WHEREAS, the City Council is of the opinion that the SUP herein effectuated further the purpose of zoning as set forth in the Unified Development Code;

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 two

Specific Use Permits (SUP)s to allow Valter Moreira, Owner/Applicant, to construct a 1,440 square-foot detached accessory structure with an average height of 21 feet, located on one acre, situated on the west side of Elkin Lane at the intersection of Florence Road and Elkin Lane, legally described as Lot 1, Block 2 of Arabian Horse Country addition, zoned Single-Family 36,000 square-foot lot size or greater (SF-36) and addressed 990 Elkin Lane, and incorporated herein, as if fully set forth with the following conditions:

1. An SUP for the size of the accessory structure to be 1,440 square feet and exceed the 1,200 square-foot maximum in SF-36 zoning shall be allowed.
2. An SUP for the height of the accessory structure to exceed the UDC requirement of an average of 15 feet tall shall be allowed. The proposed height is an average of 21 feet with a peak of 23 feet, 9 inches.

Section 3: 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 4: 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.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 7 to 0 on this the 17th day of May, 2022.

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