

ORDINANCE NO. 2002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) TO ALLOW THE PROPERTY OWNER TO TEMPORARILY RESIDE IN A MODULAR HOME FOR THE PURPOSE OF LIVING AND OVERSEEING CONSTRUCTION OF A PERMANENT RESIDENCE, AND TO CONVERT AN EXISTING 980 SQUARE-FOOT ACCESSORY STRUCTURE INTO AN ACCESSORY DWELLING UNIT, SITUATED ON A 1.995-ACRE TRACT OF LAND, LOCATED ON THE WEST SIDE OF SOUTH PEARSON LANE, APPROXIMATELY 550 FEET NORTHWEST FROM THE INTERSECTION OF SOUTH PEARSON LANE AND UNION CHURCH ROAD, BEING TRACT 6B01A1, 6B01B, AND 6F01, ABSTRACT 498 OF THE ELSTON, D E SURVEY, ZONED SINGLE FAMILY - 36,000 SQUARE-FOOT LOT (SF-36) IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Randal Snow, Owner. Christopher Cloy, Applicant (potential buyer), have submitted an application to the City of Keller to reside in a temporary modular home while living on site and also overseeing construction of a permanent residence, and to renovate the existing 980 square-foot accessory structure as an accessory dwelling unit; and

WHEREAS, a Specific Use Permit is required to reside in a temporary modular home; and

WHEREAS, a Specific Use Permit is required to renovate the existing 980 square-foot accessory structure for use as an accessory dwelling unit; and

WHEREAS, notice of a public hearing before the Planning and Zoning Commission was sent to real property owners within three hundred feet (300') of the property herein described at least ten (10) days before such hearing; and

WHEREAS, at the February 23, 2021, no one spoke in favor or opposition, and the Planning and Zoning Commission recommended approval by a vote of 7-0 with a modification to allow the Applicant (potential buyer) to reside in a modular home for a period of 24 months in lieu of the 18 months due to potential weather delays or any other delay that may cause disruption in construction, and also adding a condition that once the permanent residence passes final inspection, the Applicant (potential buyer) has 90 days to remove the modular home; and

WHEREAS, notice of a public hearing before the City Council was published on February 28, 2021, in the Fort Worth Star-Telegram newspaper of general circulation in Keller at least fifteen (15) days before such hearing; and

WHEREAS, a public hearing to issue the Specific Use Permit was held at the City Council meeting on March 16, 2021, though no one spoke in favor or opposition; and

WHEREAS, the City Council finds that the Specific Use Permit furthers the purpose of the single-family 36,000 square-foot minimum lot zoning district 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 a Specific Use Permit (SUP) to allow the property owner to temporarily reside in a modular home for the purpose of living and overseeing construction of a permanent residence and an SUP to convert an existing 980 square-foot accessory structure into an accessory dwelling unit, situated on a 1.995-acre tract of land, located on the west side of South Pearson Lane, approximately 550 feet northwest from the intersection of South Pearson Lane and Union Church Road, being tract 6B01A1, 6B01B, and 6F01, Abstract 498 of the Elston, D E Survey, zoned Single Family - 36,000 square-foot lot (SF-36) in the City of Keller, Tarrant County, Texas, and incorporated herein, as if fully set forth with the following conditions:

1. The Applicant may reside in a modular home for a period of no more than 24 months starting upon approval of the new single-family residential permit.
2. The accessory dwelling unit structure will be created by converting a 980 square-foot existing accessory building.
3. Once the permanent resident passes final inspection, the Applicant (potential buyer) has 90 days to remove the modular home.
4. Mobile home skirting shall be placed around the modular home.

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 16th day of March, 2021.

CITY OF KELLER, TEXAS

BY: _____
Armin R. Mizain, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney