

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR A 4,272 SQUARE FOOT DETACHED ACCESSORY DWELLING UNIT BEFORE CONSTRUCTING A NEW HOME, LOCATED ON APPROXIMATELY 3.57-ACRES, ON THE NORTH SIDE OF SIMMONS DRIVE, ONE THOUSAND FOUR HUNDRED FEET (1,400') EAST OF THE SIMMONS DRIVE AND RUFÉ SNOW DRIVE INTERSECTION, AT 1021 SIMMONS DRIVE, BEING LOT 13R, BLOCK 1, ROLLING OAKS ESTATES, AND ZONED SF-36 (SINGLE FAMILY RESIDENTIAL - 36,000 SQUARE FOOT MINIMUM), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Trent and Mary Petty, owners; Greg Wright, Providential Land Development, LP; applicant. have submitted an application to the City of Keller to request a Specific Use Permit (SUP-17-0020), which has been reviewed by the City Staff; 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, notice of a public hearing before the City Council was published in a newspaper of general circulation in Keller at least fifteen (15) days before such hearing; and

WHEREAS, public hearings to issue a Specific Use Permit on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation to approve the Specific Use Permit; and

WHEREAS, the City Council is of the opinion that the Specific Use Permit herein effectuated furthers the purpose of zoning as set forth in the Unified Development Code and is in the best interest of the citizens of the City of Keller.

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) for a 4,272 square foot detached accessory dwelling unit before constructing a new home, located on approximately 3.57-acres, on the north side of Simmons Drive, one thousand four hundred feet (1,400') east of the Simmons Drive and Rufe Snow Drive intersection, at 1021 Simmons Drive, being Lot 13R, Block 1, Rolling Oaks Estates, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum), in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, as if fully set forth with the following condition:

1. A condition for a 4,272 square-foot accessory dwelling unit to be constructed prior to the construction of the primary dwelling unit shall be allowed.
2. A condition for the combined square footage of all accessory buildings to exceed fifty percent (50%) of the square footage of the primary structure shall be allowed.
3. A variance for the accessory dwelling unit to exceed fifteen feet (15') in height shall be allowed.
4. A variance to waive the eight percent (80%) masonry requirement on the exterior of the accessory dwelling unit as shown in "Exhibit A" shall be allowed.

5. A variance for the accessory dwelling unit to have a metal roof shall be allowed.
6. A variance for the front-facing garage door exposure to exceed one hundred forty-four (144) square feet, up to two hundred sixteen (216) square feet shall be allowed.
7. The building permit for the main structure and the accessory dwelling structure shall be submitted at the same time.
8. The construction on the main structure shall begin within one (1) year of issuing the building permit, or the SUP will be expired.

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 _____ to _____ on this the 7th day of November, 2017.

CITY OF KELLER, TEXAS

BY: _____

P.H. McGrail, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney