

ORDINANCE NO. 1873

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER UNIFIED DEVELOPMENT CODE, ADOPTED BY ORDINANCE NO. 1746, DATED JULY 7, 2015; TO AMEND THE PROCESS FOR RESIDENTIAL BUILDING PERMITS BY AMENDING ARTICLE 4, DEVELOPMENT PROCEDURES AND REQUIREMENTS FOR APPLICATION SUBMITTALS, SECTION 4.13 - SINGLE-FAMILY RESIDENTIAL CONSTRUCTION PROCESS; AND BY AMENDING ARTICLE 5, SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS, SECTION 5.10 -RESIDENTIAL SUBDIVISIONS THOROUGHFARE SCREENING AND LANDSCAPING; AND TO AMEND REQUIREMENTS FOR PRIVATE STREET DEVELOPMENTS, BY AMENDING ARTICLE 5, SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS, SECTION 5.04 PRIVATE STREET DEVELOPMENTS; PROVIDING A CONFLICTING ORDINANCE CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in the deliberation of the City Council of the City of Keller, Texas, it is deemed to be in the best interest of the health, safety, and general welfare of the citizens of the City of Keller that the Unified Development Code be amended to change the process for residential building permits by amending Article 4, Development Procedures and Requirements for Application Submittals, Section 4.13 - Single-family Residential Construction Process, and Article 5, Subdivision Design and Improvement Requirements, Section 5.10 -Residential Subdivisions Thoroughfare Screening and Landscaping; and to amend requirements for private street developments, by amending Article 5, Subdivision Design and Improvement Requirements, Section 5.04 Private Street Developments; and

WHEREAS, notice of a public hearing before the Planning and Zoning Commission was published in a newspaper of general circulation in Keller at least ten (10) days prior to such hearing; and

WHEREAS, a public hearing before the Planning and Zoning Commission was held on November 13, 2017, to receive public input; and the

Planning and Zoning Commission on November 13, 2017, has heretofore made a recommendation to approve the amendments; 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, the City Council of the City of Keller, Texas did consider the following factors in making a determination as to whether the Ordinance changes contained herein should be approved: whether such change is consistent with the intent and purpose of this Development Code, The areas that are most likely to be directly affected by the amendment and in what way they will be affected, and whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected; and

WHEREAS, the City Council does find that there is a public necessity for said Ordinance changes, that the public demands it, that the public interest clearly requires the amendments, that said Ordinance changes do not unreasonably invade the rights of those who bought or improved property with reference to the classification which existed at the time their original investment was made; and does find that said Ordinance changes promotes health, safety, and the general welfare of the citizens of the City of Keller; provides adequate light and air; prevents the overcrowding of land; promotes economic development and new and creative uses, avoids undue concentration or population; and facilitates the adequate provisions of transportation, water, sewerage, parks, and other public requirements.

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, Article 4, Development Procedures and Requirements for Application Submittals, Section 4.13 - Single-Family Residential Construction Process will be amended as shown in Exhibit "A".

Section 3: THAT Article 5, Subdivision Design and Improvement Requirements, Section 5.10 - Residential Subdivisions Thoroughfare Screening and Landscaping, will be amended to as shown in Exhibit "A".

Section 4: THAT Article 5, Subdivision Design and Improvement Requirements, Section 5.04 Private Street Developments, will be amended to as shown in Exhibit "A".

Section 5: THAT, all other ordinances in conflict herewith are hereby repealed.

Section 6: THAT, any person, firm or corporation violating any of the provisions of this Ordinance as read together with the Unified Development Code, 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 any such violation continues shall constitute a separate offense and shall be punishable as such hereunder.

Section 7: 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 8: THAT, this Ordinance supercedes all ordinances or parts of ordinances in conflict with the provisions stated herein.

Section 9: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this Ordinance as an alternative method of publication provided by law.

Section 10: THAT, this Ordinance shall become effective upon its adoption and publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 5 to 0 on this 5th day of December, 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