

ORDINANCE NO. 1883

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 ALLOW FLAG LOTS UNDER SPECIAL CIRCUMSTANCES AND AMEND THE DEFINITION FOR LOT WIDTH, BUILDING SETBACK LINE, AND FLAG LOT AND A DEFINITION FOR BUILDING LINE BY AMENDING ARTICLE 3, DEFINITIONS, AND ARTICLE 5, SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS, SECTION 5.13 LOTS; 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 allow flag lots under special circumstances and amend the definition for lot width, building setback line, and flag lot and a definition for building line by amending Article 3, Definitions, and Article 5, Subdivision Design and Improvement Requirements, Section 5.13 lots; 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 March 26, 2018, to receive public input; and the Planning and Zoning Commission on April 23, 2018, 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

1 making a determination as to whether the
2 Ordinance changes contained herein should be
3 approved: whether such change is consistent
4 with the intent and purpose of this
5 Development Code, The areas that are most
6 likely to be directly affected by the
7 amendment and in what way they will be
8 affected, and whether the proposed amendment
9 is made necessary because of changed or
10 changing social values, new planning
11 concepts, or other social or economic
12 conditions in the areas and zoning districts
13 affected; and

14 WHEREAS, the City Council does find that there is a
15 public necessity for said Ordinance changes,
16 that the public demands it, that the public
17 interest clearly requires the amendments,
18 that said Ordinance changes do not
19 unreasonably invade the rights of those who
20 bought or improved property with reference
21 to the classification which existed at the
22 time their original investment was made; and
23 does find that said Ordinance changes
24 promotes health, safety, and the general
25 welfare of the citizens of the City of
26 Keller; provides adequate light and air;
27 prevents the overcrowding of land; promotes
28 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.

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

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

26 Section 2: THAT, Article 3, Definitions will be amended
27 as shown in Exhibit "A".

28 Section 3: THAT Article 5, Subdivision Design and
Improvement Requirements, Section 5.13 -

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Lots, will be amended as shown in Exhibit "A".

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, 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 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, this Ordinance supercedes all ordinances or parts of ordinances in conflict with the provisions stated herein.

Section 8: 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 9: THAT, this Ordinance shall become effective upon its adoption and publication provided by law.

AND IT IS SO ORDAINED.

1 Passed and approved by a vote of 7 to 0 on this 1st day
2 of May, 2018.

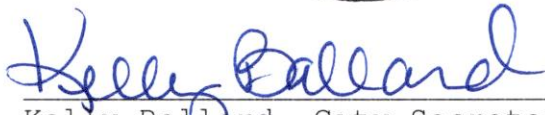
3 CITY OF KELLER, TEXAS



8 BY:

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10 P.H. McGrail, Mayor

11 ATTEST:

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14 Kelly Ballard, City Secretary

15 Approved as to Form and Legality:

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30 L. Stanton Lowry, City Attorney

Exhibit "A"

Section 5.13 - Lots

- A. Lots shall comply with the minimum requirements of the established zoning district and with the minimum standards of this Code.
- B. Each residential lot shall front on a dedicated public/private street right-of-way or an approved recorded paved public/private access easement (see Section 5.04 Private Street Developments). Each lot shall meet the minimum required lot width at the front building setback line and for the entire depth of the property from the front property line to the rear property line. The minimum width of access easements for all platted/replatted lots, from the date of the adoption of this Code shall be sixty feet (60'). All access easements shall be listed as a public/private access/public drainage/utility easement. The paving standards for the access easements shall be in accordance with the Design Standards and Technical Construction Standards of this UDC (Section 5.23). Fire Department access shall be provided to all lots as required per the adopted Fire Code. The minimum width of pavement for an access easement shall be twenty-four feet (24'). Access easements that serve more than three (3) lots shall comply with the requirements established in Section 5.04 - Private Street Developments. Access easements shall be owned and maintained by the homeowners, PID or Home Owners Association (HOA) when applicable.
- C. For Irregular-shaped lots, the lot width at the front and rear building setback lines can be averaged; however, the lot width at the front building setback line and at the frontage of the public/private street right-of-way or public/private access easement shall not be less than required by the particular zoning district or per Section 8.15(A)(4) Supplementary Regulations (concerning cul-de-sacs). The rear width shall be sufficient to provide access for all necessary utilities. Lots that front on a cul-de-sac shall have a minimum of fifty feet (50') frontage along the dedicated public/private street right-of-way or public/private access easement.
- D. No lot shall be platted less than one hundred feet (100') in depth except as approved as part of a Planned Development (PD) ordinance or in cases where an irregular-shaped tract is platted into lots and a remnant piece of property has sufficient area to plat one or more lots. In this case, the Planning and Zoning Commission may approve a waiver of the width and depth requirement, if needed, to prevent a hardship.
- E. Side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
- F. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials (Thoroughfare Types A6D, A4D, C4U, C2U, or C3) or to overcome specific disadvantage to topography and orientation. Where lots have double frontage, a front building line shall be established for each street (see Section 8.18 - Figure 6). Double frontage lots in subdivisions will not be allowed without providing screening walls in accordance with this Code. Lot depths adjacent to thoroughfares shall exceed normal standards and shall not be less than one hundred forty feet (140'). Additional rear yard setback of a minimum forty feet (40') also shall be provided if the lot backs up to a 4-lane thoroughfare or larger and a solid masonry screening wall is not provided as a buffer.
- G. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with this Code, Building Code and other applicable ordinances, laws, and regulations. Driveway access shall be provided to buildings on the lots from a street, alley, or public access easement as approved for a development.
- H. Dimensions of corner lots shall be large enough to allow for erection of buildings. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be

adequate to provide for the off-street parking, landscaping, and loading facilities required for the type of use and development contemplated, as established in this Code.

- I. Flag lots are not permitted except under special circumstances upon receiving a recommendation by the Planning and Zoning Commission and approval by City Council as described below:
 1. Lots with greater depth relative to width which posture it for future necessity to create a flag lot shall not be permitted or created through platting or re-platting of an existing lot or lots.
 2. City Council may, upon a recommendation by the Planning and Zoning Commission, waive the lot width requirement and permit a flag lot if it finds that either:
 - a. A significant geographical, topographical, or other permanent constraint presents a hardship to subdivision complying with this Code and creation of a flag lot is deemed the optimum solution.

Or

 - b. The creation of a flag lot is not permanent and will, by means of future planned streets or adjacent development, be eliminated when those streets or adjacent development(s) are completed.

Or

 - c. When necessary to accommodate the function of hiding or concealing utility buildings/substation, or radio, television or communication towers.

And

 - d. The pole area of the flag lot is not included for purposes of calculating the minimum lot area under the established zoning district in which it sits.
 - e. The pole dimensions of the flag lot meet or exceed the minimum emergency access standards of the City of Keller.

Definitions:

1. **Building Line. Building Setback Line** (see definition below)
2. **Building Setback Line** - The line within a property defining the minimum required horizontal distance between a building or other structures and the property line and/or adjacent street line (measured from right-of-way line). (see Section 8.18 - Figure 1).
3. **Lot, Flag** - Flag lots are lots that do not meet the minimum lot width and frontage requirements of the established zoning districts of the City of Keller or this Code because the sole point of access to a street is a narrow projecting strip of land. See Section 5.13(C) and (I).
4. **Lot Width** - The horizontal distance between side lot lines measured along a line that is parallel to the front lot line, and measured from the point on the building line (building setback line) that is closest to the front lot line (see Section 8.18 - Figure 1). For irregular-shaped lots see Section 5.13 (C).