

ORDINANCE NO. 1941

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; BY AMENDING ARTICLE 3 - DEFINITIONS; AND ARTICLE 8 - ZONING DISTRICTS, DEVELOPMENT STANDARDS, TREE PRESERVATION; BY AMENDING FENCE REQUIREMENTS, BRINGING INTO CONFORMANCE WITH STATE AND FEDERAL LAWS AND PROFESSIONAL BEST PRACTICES, AND BETTER MATCHING ESTABLISHED PURPOSES WITHIN THE CITY'S UNIFIED DEVELOPMENT CODE; 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 by amending Article 3, Definitions and Article 8, Zoning/Districts, regarding a general update, clarifying and simplifying the existing requirements related to fence construction, and better matching established purposes within the City's Unified Development Code; and

WHEREAS, a public hearing before the Planning and Zoning Commission was held on June 24, 2019, to receive public input; and

WHEREAS, the Planning and Zoning Commission has heretofore made a unanimous recommendation to approve the amendments as presented; 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, a public hearing before the City Council was held on July 16, 2019, and August 6, 2019, to receive public input; 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: the effect on the promotion of the health, safety, morals, and the

general welfare of the citizens of the City of Keller;
and

WHEREAS, the City Council does find that there is a public necessity for said Ordinance changes, that the public demands it, and that the public interest clearly requires the amendments;

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, all Sections shall be amended to read as detailed in "Exhibit A," incorporated into this Ordinance by reference.

Section 3: THAT, all other ordinances in conflict herewith are hereby repealed but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance.

Section 4: 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 5: 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 6: THAT, this Ordinance supercedes all ordinances or parts of ordinances in conflict with the provisions stated herein.

Section 7: 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 8: THAT, this Ordinance shall become effective upon its adoption and publication provided by law.

Section 9: THAT, no offense committed and no liability, penalty or forfeiture civilly or criminally incurred prior to the time when such ordinances or part thereof shall be repealed or altered by the City of Keller shall be discharged or affected by such repeal or alteration; that the prosecution and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 5 to 1 on this the 6th day of August 2019.

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