

ORDINANCE NO. 1947

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, TO AMEND THE CITY OF KELLER UNIFIED DEVELOPMENT CODE, ADOPTED BY ORDINANCE NO. 1746 DATED JULY 7, 2015, BY AMENDING ARTICLE 4 - DEVELOPMENT PROCEDURES AND REQUIREMENTS FOR APPLICATION SUBMITTALS; ARTICLE 5 - SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS; AND ARTICLE 8 - ZONING DISTRICTS, DEVELOPMENT STANDARDS, TREE PRESERVATION, TO AMEND UTILITY EASEMENT REQUIREMENTS RELATED TO TREES IN RIGHTS-OF-WAY; AUTHORIZING PUBLICATION; PROVIDE FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Keller recognizes the value of preserving trees and adding to the urban canopy when possible; and

WHEREAS, though utility lines are protected from root intrusion by permitting removal of trees within five feet of utility lines, the City wishes to clarify that trees beyond five feet of utility lines should be preserved and the Unified Development Code landscaping requirements shall apply; and

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 4 - Development Procedures and Requirements for Application Submittals; Article 5 - Subdivision Design and Improvement Requirements; and Article 8 - Zoning Districts, Development Standards, Tree Preservation, to amend utility easement requirements related to trees in rights-of-way, and establish consistency within the City's Unified Development Code; and

WHEREAS, a public hearing before the Planning and Zoning Commission was held on August 12, 2019, and no public comments were received; and

WHEREAS, the Planning and Zoning Commission recommended to approve the amendments for Article 4 and 5 as presented by a vote of 6 to 0; and

WHEREAS, a public hearing before the Planning and Zoning Commission was held on September 9, 2019, to receive public input related to the proposed amendments to Article 8 and no public comments were received; and

WHEREAS, the Planning and Zoning Commission recommended to approve the amendments for Article 8 as presented by a vote of 7 to 0; 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 hearing before the City Council was held on September 17, 2019, to receive public input; and

WHEREAS, the City Council finds does find that there is a public necessity for said Ordinance changes and that the public demands the required 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 an 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 7 to 0 on this the 17th day of September 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