

ORDINANCE NO. 1982

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, ARTICLE EIGHT –ZONING DISTRICTS, DEVELOPMENT STANDARDS, TREE PRESERVATION DISTRICTS; BY PROVIDING PROVISIONS TO PERMIT A SURGICAL OUT-PATIENT FACILITY USE IN THE TOWN CENTER MEDICAL OVERLAY DISTRICT BY A SPECIFIC USE PERMIT, PROVIDING PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTING OF ORDINANCES 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 providing revisions to permit a Surgical Out-patient Facility by a Specific Use Permit in the Town Center Medical Overlay District and modifying, Article 8 - Zoning-Districts, Development Standards, Tree Preservation within the City’s Unified Development Code; and

WHEREAS, a public hearing before the Planning and Zoning Commission was held on August 25, 2020, to receive public input; and

WHEREAS, no public comments were received in support or opposition; and

WHEREAS, the Planning and Zoning Commission has recommended to approve the amendments as presented by a vote of 5 to 2; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in the City of Keller at least fifteen (15) days before such hearing; and

WHEREAS, a public hearing before the City Council was held on September 1, 2020, to receive public input; and

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Section 3: THAT, all other ordinances in conflict herewith are hereby repealed but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance.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

AND IT IS SO ORDAINED.

Passed and approved by a vote of 5 to 2 on this the 1st day of September 2020.

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