

ORDINANCE NO. 1704

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER UNIFIED DEVELOPMENT CODE, ADOPTED BY ORDINANCE NO. 1435, DATED NOVEMBER 18, 2008; BY AMENDING ARTICLE 8, ZONING/DISTRICTS, SECTION 8.03, ZONING DISTRICTS, SUB-SECTION P., TOWN CENTER DISTRICT, 4. DESIGN STANDARDS, G. PARKING LOT LAYOUT, LANDSCAPING, AND LIGHTING, RELATING TO PLANTING REQUIREMENTS FOR REAR LANDSCAPE BUFFERS; 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 8, Zoning/Districts, Section 8.03, Zoning Districts, Sub-Section P., Town Center District, 4. Design Standards, g. Parking Lot Layout, Landscaping, and Lighting, relating to planting requirements for rear landscape buffers, within the City's Unified Development Code; 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 June 23, 2014, to receive public input; 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: safety of the motoring public and pedestrians; safety from fire hazards and measures for fire control; protection of property from flood or water damages; noise producing elements and glare of the vehicular and stationary lights and effect of such lights, location, lighting and types of signs and relation of signs to traffic control and property; street size and adequacy of width for traffic; adequacy of parking as determined by requirements of said Ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street location spaces; and the effect on the promotion of the health, safety, 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, 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 lessen the congestion in the streets, helps secure safety from fire, panic, and other dangers; 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; avoids undue concentration or population; and facilitates the adequate provisions of transportation, water, sewerage, parks, and other public requirements.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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, Section 8.03, Zoning Districts, Sub-Section P., Town Center District, standard P.4.g.10 shall be amended to read as follows:

"10) In the Town Center North and South subdistricts, landscaping shall comply with the Landscaping section of this Ordinance except that the required canopy trees for side and rear lot buffers shall be Live Oak, Red Oak, Bur Oak, Chinquapin Oak, Cedar Elm, Bald Cypress, Chinese Pistache, or Sweet Gum. For the Town Center North subdistrict only, the following landscape plant materials are required in side and rear buffers that abut single-family residential zoning districts:

a) Five (5) gallon dwarf Yaupon Holly evergreen shrubs shall be planted at five feet (5') on-center spacing adjacent to the required screening wall.

b) A double row of trees at thirty-foot (30') on center spacing shall be provided. Each row of the double row of trees shall be offset to provide an overall effective spacing of fifteen feet (15') on center spacing. The interior row of trees closest to the screening wall shall be three-inch (3") caliper, Eastern Red Cedar trees. The exterior row of trees shall be four-inch (4") caliper, container grown, Live Oak trees."

Neovia Document Converter PRO V6.2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 3: THAT, all other ordinances in conflict herewith are hereby repealed.

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.

ALL IT IS SO ORDAINED.

Neovia Document Converter Pro 16.2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Passed and approved by a vote of 7 to 0 on this 15th day
of July, 2014.

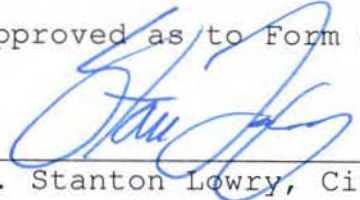
CITY OF KELLER, TEXAS

BY: 
Mark Mathews Mayor

ATTEST:


Sheila Stephens, City Secretary

Approved as to Form and Legality:


L. Stanton Lowry, City Attorney

Neovia Document Converter PRO V6.2