

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) TO SELL USED GOODS AND MERCHANDISE AT COUNTY LINE RECORDS IN AN EXISTING 1,211 SQUARE-FOOT STRUCTURE ON .17 ACRES LOCATED ON THE WEST SIDE OF SOUTH ELM STREET, AT THE INTERSECTION OF SOUTH ELM STREET AND HILL STREET, LEGALLY DESCRIBED AS LOT 13R2, BLOCK 10 OF KELLER CITY ADDITION, ZONED OLD TOWN KELLER AND ADDRESSED 148 S. ELM ST., IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Francis Moser, Owner, and Rodney Holder, Applicant, submitted a Specific Use Permit (SUP) application to sell used goods and merchandise at 148 S. Elm St. (SUP-23-0019); and

WHEREAS, an SUP is required to sell used goods and merchandise in the Old Town Keller zoning district; and

WHEREAS, the City's Planning and Zoning Commission and the City Council, in accordance with the Charter of the City of Keller, State Law, and the ordinances of the City of Keller, have given the required notices and have held the required public hearings regarding the SUP application described in this ordinance; and

WHEREAS, the Planning and Zoning Commission held a public hearing on June 13, 2023 and unanimously recommended approval of the SUP request as presented; and

WHEREAS, the City Council is of the opinion that the SUP herein effectuated furthers the purpose of zoning as set forth in the Unified Development Code;

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, in accordance with the Unified Development Code, the City Council of the City of Keller, Texas hereby authorizes approval of a Specific Use Permit (SUP) to sell used goods and merchandise at County Line Records in an existing 1,211 square-foot structure on .17 acres located on the west side of South Elm Street, at the intersection of South Elm Street and Hill Street, legally described as Lot 13R2, Block 10 of Keller City Addition, zoned Old Town Keller and addressed 148 S. Elm St., as if fully set forth with the following conditions:

1. A Specific Use Permit to sell used goods and merchandise in the Old Town Keller zoning district shall be allowed.

Section 3: THAT, any person, firm, or corporation violating any of the provisions of this Ordinance, as read together with the Unified Development Code and accompanying map thereto, 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 such violation continues shall constitute a separate offense and shall be punishable as such hereunder.

Section 4: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of _ to _ on this 18th day of July, 2023.

CITY OF KELLER, TEXAS

BY: _____
Armin R. Mizani, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney