

ORDINANCE NO. 2159

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR THE TIKI HUT OF KELLER TO OPERATE A TEMPORARY VENDOR BUSINESS (SNO-CONES), LOCATED ON AN APPROXIMATELY 0.5467-ACRE TRACT OF LAND, ON THE EAST SIDE OF SOUTH MAIN STREET, AT THE INTERSECTION OF BEAR CREEK PARKWAY AND SOUTH MAIN STREET, BEING LOT 2RB1, BLOCK 1, BLAND SQUARE ADDITION, ZONED COMMERCIAL (C) AND ADDRESSED 705 S. MAIN ST.

WHEREAS, Cathy Smith, Applicant, and Todd Hendricks, Owner, have submitted a Specific Use Permit (SUP) application to operate a temporary vendor business (sno-cones) (SUP-24-0003); and

WHEREAS, an SUP is required for temporary vendor businesses in the Commercial 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 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 an SUP for The Tiki Hut of Keller to operate a temporary vendor business (sno-cones), located on an approximately 0.5467-acre tract of land, on the east side of South Main Street, at the intersection of Bear Creek Parkway and South Main Street, being Lot 2RB1, Block 1, Bland Square Addition, zoned Commercial (C) and addressed 705 S. Main St., as if fully set forth with the following conditions:

1. A Specific Use Permit to allow seasonal sno-cone sales for six (6) months per year beginning April 1st and ending September 30th for four (4) years, which shall expire on September 30, 2027.

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 7 to 0 on this the 19th day of March 2024.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Armin R. Mizani, Mayor

ATTEST:

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Kelly Ballard, City Secretary

Approved as to Form and Legality:

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L. Stanton Lowry, City Attorney