

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR EMPIRE TOYS, FOR 'SALES OF USED GOODS AND MERCHANDISE' OCCUPYING AN 800 SQUARE-FOOT LEASE SPACE ON THE SECOND FLOOR, WITHIN A 7,318 SQUARE-FOOT COMMERCIAL BUILDING, LOCATED ON A 0.20-ACRE TRACT OF LAND, LOCATED ON THE WEST SIDE OF SOUTH MAIN STREET (U.S. HWY 377), AT THE INTERSECTION OF WEST HILL STREET AND SOUTH MAIN STREET (U.S. HWY 377), BEING LOT 3A AND 3B, BLOCK 2, CITY ADDITION - KELLER, AT 136 SOUTH MAIN STREET (U.S. HWY 377), (ACCOUNT #: 01483633), AND ZONED OTK (OLD TOWN KELLER) IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Matt Houk and Chuck Mahoney, applicants, and Cary Moon and Keller Main 136, LLC, owner; have requested a Specific Use Permit (SUP 19-0008) to sell used goods and merchandise; and

WHEREAS, the 'sale of used goods and merchandise' in the Old Town Zoning District requires a SUP; and

WHEREAS, notice of a public hearing before the Planning and Zoning Commission was sent to real property owners within three hundred feet (300') of the property herein described at least ten (10) days before such hearing; 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 hearings to issue a Specific Use Permit on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation to approve the Specific Use Permit; 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 and is in the best interest of the citizens of the City of Keller;

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) for Empire Toys, for 'Sales of used goods and merchandise' to occupy an 800 square-foot lease space on the second floor, within a 7,318 square-foot commercial building, located on a 0.20-acre tract of land, located on the west side of South Main Street (U.S. HWY 377), at the intersection of West Hill Street and South Main Street (U.S. HWY 377), being Lot 3A and 3B, Block 2, City Addition - Keller, at 136 South Main Street (U.S. HWY 377), (Account#: 01483633), and zoned OTK (Old Town Keller) in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, as if fully set forth with the following condition:

1. The Specific Use Permit for Empire Toys to occupy 800 square-foot of lease space for the use of 'sales of used goods and merchandise' shall be allowed.

This condition for this SUP is specific to Empire Toys for the 'sale of used goods and merchandise'; any new similar type of business would require approval of a new SUP.

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 the 21st day of May 2019.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
P.H. McGrail, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Ballard, City Secretary

Approved as to Form and Legality:

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L. Stanton Lowry, City Attorney