

ORDINANCE NO. 1939

AN ORDINANCE OF THE CITY COUNCIL OF 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 (U.S. HWY 377), AT THE INTERSECTION OF BEAR CREEK PARKWAY AND SOUTH MAIN STREET (U.S. HWY 377), BEING LOT 2RB1, BLOCK 1, BLAND SQUARE ADDITION, AT 705 SOUTH MAIN (U.S. HWY 377) ACCESSORY TO MR. JIM'S PIZZA (ACCOUNT #: 05744830), AND ZONED C (COMMERCIAL), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION. LIMITATION

WHEREAS, Cathy Smith, Owner/Applicant, has submitted an application to the City of Keller to operate a temporary vendor business (sno-cones) from April - September at 705 S. Main; and

WHEREAS, a Specific Use Permit is required to operate a business with seasonal sales; 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, no signatures of support were signed by neighbors, and no letters of opposition were provided by the public regarding these requests, and the Planning and Zoning Commission has heretofore made a recommendation to unanimously approve the Specific Use Permit; and

WHEREAS, the City Council is of the opinion that the Specific Use Permit 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 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 (U.S. HWY 377), at the intersection of Bear Creek Parkway and South Main Street (U.S. HWY 377), being Lot 2RB1, Block 1, Bland Square Addition, at 705 South Main (U.S. HWY 377) accessory to Mr. Jim's Pizza (Account #: 05744830), and zoned C (Commercial), 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 conditions:

1. The Specific Use Permit request to allow seasonal sales for six (6) months per year beginning April 1st and ending September 30th for four (4) years, which shall expire on September 30, 2023.

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 4 to 0 on this the 16th day of July, 2019.

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