

ORDINANCE NO. 2009

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 (SNOW CONES), LOCATED ON AN APPROXIMATELY 0.64-ACRE LOT, ON THE SOUTH SIDE OF KELLER PARKWAY, APPROXIMATELY 600 FEET EAST OF KELLER SMITHFIELD ROAD SOUTH, BEING LOT 9R2, BLOCK A, KELLER CROSSING ADDITION, AT 1570 KELLER PARKWAY, AND ZONED PLANNED DEVELOPMENT-RETAIL (PD-R) IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, JAHCO Keller Kiosk LLC, Owner, and Cathy Smith, Applicant, have submitted an application to the City of Keller to occupy and operate a temporary vendor business (snow cones); 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, at the April 13, 2021, Planning and Zoning Commission meeting, the Commission recommended approval by a vote of 7-0; and

WHEREAS, notice of a public hearing before the City Council was published on April 18, 2021, in the Fort Worth Star-Telegram, a newspaper of general circulation in Keller, at least fifteen (15) days before such hearing; and

WHEREAS, a public hearing to issue the Specific Use Permit was held at the City Council meeting on May 4, 2021; and

WHEREAS, the City Council finds that approving the Specific Use Permit for a temporary vendor business furthers the purpose of zoning in the retail zoning district 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) for The Tiki Hut of Keller to operate a temporary vendor business (snow cones), located on an approximately

0.64-acre lot, on the south side of Keller Parkway, approximately 600 feet east of Keller Smithfield Road South, being Lot 9R2, Block A, Keller Crossing Addition, at 1570 Keller Parkway, and zoned Planned Development-Retail (PD-R) in the City of Keller, Tarrant County, Texas, and incorporated herein, as if fully set forth with the following conditions:

1. The Specific Use Permit shall be valid for four months per year beginning May 1st and ending September 1st for four seasons. This Specific Use Permit shall expire on September 1, 2024.
2. Allow the use of Christmas or string lights on the kiosk.
3. The temporary kiosk and all related equipment shall be removed from the property by the permit holder at the end of each permitted year/season of operation and no later than September 15th of each year.
4. Allow the use of a temporary picket-style fence of approximately three feet (3') in height around the kiosk and outdoor seating area.

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 6 to 0 on this the 4th day of May, 2021.

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