

ORDINANCE NO. 20 - 21

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, AMENDING THE ZONING ORDINANCE, APPENDIX "A" OF THE CODE OF ORDINANCES OF THE CITY OF COMMERCE, TEXAS OF THE CITY TO GRANT A CONDITIONAL USE PERMIT IN THE GENERAL BUSINESS" ZONE TO ALLOW FOR "LUMBER YARD", "WAREHOUSE", AND "FEED STORE" USE FOR THE PROPERTY LOCATED AT 2500 MANGUM STREET, COMMERCE, TX 75428, TO INCLUDE PROPERTY ID #30404 AND #30402; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS AND THAT A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY OF VIOLATION' PROVIDING SEVERABILITY AND CUMULATIVE REPEALER CLAUSES; PROVIDING A FINDING OF A PUBLIC MEETING; AND PROVIDING AN EFFECTIVE DATE.

A regular meeting of the City Council of the City of Commerce, Texas, was held in Commerce, Texas, at City Hall, on the 12th day of November 2020 at 6:00 p.m., a majority of Council Members being present and constituting a quorum, the following Ordinance was adopted:

WHEREAS, the owners of the property located at 2500 Mangum Street, in the City of Commerce, described as A0675 MARLER H (Hunt County), Tract 54, Acres 2.42 and A0675 MARLER H (Hunt County), Tract 57, Acres 4.05 (the "Property") have made application for a conditional use permit in a General Business District for "Lumber yard", "Warehouse", and "Feed Store" use, for the use of said premises being more particularly described in said application, as well as in the minutes of the City of Commerce, Texas Planning & Zoning Commission meeting of October 19, 2020, and which minutes are attached hereto, marked Exhibit "A" and made a part hereof just as if copied herein verbatim; and

WHEREAS, the subject property is currently zoned as General Business, and as pursuant to an Ordinance passed in October of 2020, the schedule of uses under Section 10-206(a), Appendix A – Zoning, Part II. – Uses, of the Code of Ordinances of the City of Commerce, Texas, use of the subject property as "Lumber yard", "Warehouse", and "Feed Store" is considered a conditional use;

WHEREAS, the Planning and Zoning Commission of the City of Commerce, Texas, in accordance with Section 19 of the Zoning Ordinance of the City of Commerce, Texas, after conducting a public hearing on said request on the 19th day of October 2020, at 4:00 p.m. and all other prerequisites relating thereto, and after consideration of the grounds for a conditional use permit in General Business for "Lumber yard", "Warehouse", and "Feed Store" use, voted unanimously to approve the condition use permit application; and

WHEREAS, the City Council, after having reviewed the action of the Planning and Zoning Commission and its recommendation, having a public hearing, and as having complied with all prerequisites

of the Zoning Ordinance of the City of Commerce, Texas, relative to the approval of a conditional use permit in the General Business zoned section of Mangum Street for "Lumber yard", "Warehouse", and "Feed Store" use, deems it in the best interest and general welfare of the City of Commerce, Texas, that said application for a conditional use permit for said use should be authorized for the owners of said property, attached hereto and marked Exhibit "B", as provided for in Section 10, Subsection 10-201, Duplex Use and Subsection 10-400 through 10-415 of the Zoning Ordinance of the City of Commerce, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS

Section 1. Incorporation of Premises. That the foregoing recitals are determined to be true and correct findings of the City Council are incorporated herein.

Section 2. Amendments. That the request for a Conditional Use Permit allowing "Lumber yard", "Warehouse", and "Feed Store" use, for the property is hereby granted, and the Zoning Ordinance of the City of Commerce are hereby amended to reflect the Conditional Use Permit for the Property.

Section 3. Penalty. Any person, firm or corporation violating any term or provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a penalty of fine not to exceed the amount of Two Thousand Dollars (\$2,000) for each offense. Every day a violation continues shall constitute a separate offense.

That the Mayor of the City of Commerce, Texas be authorized and he is hereby authorized to execute this Ordinance and the City Manager or his designate in accordance with this Ordinance be authorized to amend the Zoning Ordinance of the City to reflect the Conditional Use Permit approved hereby.

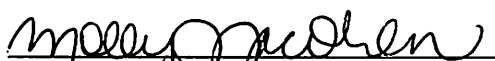
That the City Secretary be authorized, and she is hereby authorized to attest to the signature of the Mayor to this Ordinance, and to attest to the signature of the City Manager to any instruments requisite to implementing this Ordinance.

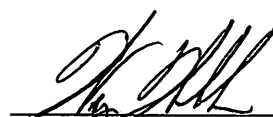
PASSED AND APPROVED on the FIRST READING at a regular meeting of the City Council of the City of Commerce, Texas, on the 12th day of November 2020.

PASSED AND APPROVED on the SECOND READING at a regular meeting of the City Council of the City of Commerce, Texas on this the 17th day of November 2020.

ATTEST:

CITY OF COMMERCE, TEXAS


Molly Jacobsen, City Secretary


Wymon Williams, Mayor

(seal)

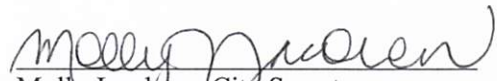
APPROVED AS TO FORM:



Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)


Molly Jacobsen, City Secretary
City of Commerce, Texas