

ORDINANCE NO. 2653

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING ORDINANCE NO. 2612, ZONING ORDINANCE OF THE CITY OF TERRELL, TEXAS, BY AMENDING ARTICLE IV, SECTION 32 USE REGULATIONS (CHARTS), CHART 7, PERSONAL AND SERVICE USES, NON-RESIDENTIAL ZONING DISTRICTS, COMMERCIAL (C) DISTRICT TO ADD BAIL BOND SERVICE IN THE COMMERCIAL ZONING DISTRICT; ADDING A SPECIFIC USE PERMIT (SUP) REQUIREMENT FOR BAIL BOND SERVICE IN THE COMMERCIAL (C) ZONING DISTRICT SUBJECT TO THE PROVISIONS OF ARTICLE V, SECTION 42.7; AMENDING ARTICLE V, SECTION 42, SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES BY ADDING SECTION 42.7 REQUIRING A MINIMUM SEPARATION OF 1,000 FEET BETWEEN THE BAIL BOND USE AND A RESIDENTIAL ZONING DISTRICT BOUNDARY AND THE BAIL BOND SERVICE USE AND ANY OTHER BAIL BOND SERVICE; AMENDING SECTION 44.1, DEFINITIONS, BY ADDING A DEFINITION FOR BAIL BOND SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 26, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of the Zoning Ordinance No. 2612; Article IV., Section 32 – Use Regulations (Charts), Chart 7, Personal and Service Uses, Non-Residential Zoning Districts, Commercial (C) District by adding Bail Bond Service in the Commercial District by Specific Use Permit (SUP) subject to the provisions of Article V, Section 42.7; and

WHEREAS, on January 26, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of the Zoning Ordinance No. 2612; Article V., Section 42 – Special Regulations for Certain Types of Uses by adding Section 42.7 requiring a minimum separation of 1,000 feet between the bail bond use and a residential zoning district boundary and the bail bond service use and any other bail bond service; and

WHEREAS, January 26, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of the Zoning Ordinance No. 2612; Section 44.1, - Definitions, by adding a definition for bail bond service.

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

ARTICLE I.

THAT Article IV., Section 32., Use Regulations (Charts), Chart 7, Personal and Service Uses, Non-Residential Zoning Districts, Commercial (C) District be and is hereby amended in accordance with Exhibit "A" attached hereto and by reference made a part hereof for all purposes.

THAT Article V., Section 42, Special Regulations for Certain Types of Uses be amended by the addition of Section 42.7 as follows:

Chapter 42. Special Regulations for Certain Types of Uses

Sec. 42.7 BAIL BOND SERVICE

A. No bail bond service office shall be located within 1,000 feet of any residential zoning district boundary line, including the EE-32 Executive Estate district, all SF-Single-Family districts, the TH-12 Townhouse district, the MF Multi-Family district, the MH Manufactured Home district, any property zoned CBD Central Business District or any PD Planned Development district that allows residential uses;

B. No bail bond service office shall be located within 1,000 feet of any other tract that the location of a bail bond service;

C. For purposes of this section, the required separation shall be measured in a straight line without regard to intervening structures or objects:

1. If confirming the separation between the proposed bail bond service and residential uses, the distance shall be measured from the nearest portion of the boundary line of any of the residential zoning districts in 42.7.A above, any CBD district, or any PD Planned Development District for residential uses.

2. If confirming the separation between bail bond service locations, the distance shall be measured from the nearest portion of the property line of the Commercial District where the existing bail bond service is located to the nearest portion of the property line of the Commercial District where the new business is proposed.

THAT Section 44.1, Definitions, shall be amended by adding a definition for bail bond service as follows:

287. BAIL BOND SERVICE – A service arranged by an agent promising money or property to ensure that a person named in a legal action appears in court for the designated criminal proceeding at the date and time specified.

ARTICLE II.

All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

ARTICLE III.

It is hereby declared to be the intention of the City Council of the City of Terrell, Texas, that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections.

ARTICLE IV.

All other provisions of Ordinance No. 2612 not expressly modified by this Ordinance shall remain in full force and effect.

ARTICLE V.

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED AND APPROVED this the 2nd day of February, 2016.

PASSED AND ADOPTED this the 16th day of February, 2016.

Hal Richards, Mayor

Attest:

John Rounsavall, City Secretary

Approved as to form:

Mary Gayle Ramsey, City Attorney