

ORDINANCE NO. 2020-010(O)

AN ORDINANCE GRANTING AN EXTENSION ON THE TERMINATION OF A SPECIAL USE PERMIT TO ALLOW A CAR WASH, A BUSINESS NOT SPECIFICALLY LISTED IN THE USE REGULATIONS OF ARTICLE III – DISTRICTS, GENERAL ZONING, DIVISION 5, SECTION 113-190 USE REGULATIONS OF THE CITY OF WINDCREST’S CODE OF ORDINANCES

WHEREAS, the City Council of Windcrest has the authority to grant a special use permit and did so on September 20th, 2019, by the second reading of ordinance 2019-712(O) on a special use permit for the car wash; and

WHEREAS, the City Council of Windcrest has determined that the 180-day deadline for application of a permit will expire and no permits have been applied for and has the authority to grant an extension on termination of a special use permit; and

WHEREAS, the City Council of Windcrest has determined that an extension on that special use permit is reasonable and approves such extension according to Chapter 113, Section 326; and

WHEREAS, the City Council desires that the City’s appearance remain well kept, healthy, and safe for public use; and

WHEREAS, the City Council has determined that certain businesses are beneficial to the commerce and overall betterment of the City;

WHEREAS, the City Council finds that granting an extension on the termination of the special use permit for the car wash does not cause any detriment to the City’s appearance and the safety of citizens, including both real and personal property; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that this ordinance grants an extension on the termination of the special use permit pursuant Chapter 113-326 as long as the designated work shall not exceed 365 days after the date of approval for the special use permit to WCW Montgomery, LLC, for construction of a car wash in a B-1 zoning district, Neighborhood Business District, at 6001 Montgomery, Windcrest, Texas as an authorized use.

I.

CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Windcrest except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

II.

SEVERABILITY

That it is hereby declared to be the intent of the City of Windcrest that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

III.

PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

IV.

EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by state and local law. As an amendment to the City's Code of Ordinances, this ordinance is effective immediately upon passage. The criminal penalties are effective upon the proper publication requirements being accomplished under state law.

DULY PASSED ON FIRST READING, on the 16th day of March, 2020 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

DULY PASSED AND APPROVED, on the 16th day of April, 2020 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

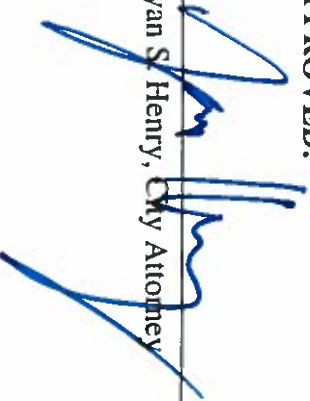
CITY OF WINDCREST, TEXAS


Dan Reese, Mayor

ATTEST:


Rachel C. Dominguez, City Secretary

APPROVED:


Ryan S. Henry, City Attorney

