

ORDINANCE No. 2413

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. 2371) AND ESTABLISHING SPECIFIC USE PERMIT NUMBER SEVENTEEN (SUP-17) FOR A RECLAMATION AND RECYCLING FACILITY ON PROPERTY LOCATED AT 203 S. BLANCHE STREET, BEING A 2.08 ACRE TRACT OF LAND, BEING ALL OF THE GREATER TERRELL WAREHOUSE ADDITION AND ALL OF BLOCK 1, ORIGINAL TOWN OF TERRELL AND PART OF THE ABANDONED UNION PACIFIC R.R. R.O.W, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ARTICLE I.

WHEREAS, the Planning and Zoning Commission of the City of Terrell, Texas, held a public hearing on April 27, 2009 on a request for a Specific Use Permit for a reclamation and recycling facility on property located at 203 S. Blanche, described as all of the Greater Terrell Warehouse Addition and all of Block 1, Original Town of Terrell and part of the abandoned Union Pacific R.R. R.O.W, City of Terrell, Kaufman County, Texas.; and

WHEREAS, the City Council of the City of Terrell, Texas held a public hearing on May 19, 2009 and has determined that it would be in the best interest of the citizens of Terrell to approve Specific Use Permit Number Seventeen (SUP-17); and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with the laws and ordinances of the City of Terrell and State Law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Terrell, Texas:

THAT the Comprehensive Zoning Ordinance is hereby amended and that Specific Use Permit Number Seventeen (SUP-17) is established on property located at 203 S. Blanche, described as all of the Greater Terrell Warehouse Addition and all of Block 1, Original Town of Terrell and part of the abandoned Union Pacific R.R. R.O.W, City of Terrell, Kaufman County, Texas.

ARTICLE II

All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III

All operations, activities, and uses associated with the recycling of ferrous and nonferrous materials at this location and under the conditions of this Specific Use Permit shall be in accordance with the special conditions set forth in Exhibit A of this

ordinance. Failure to comply with all of these conditions at all times may result in the revocation of this SUP and the certificate of occupancy and may subject responsible parties to other fines and penalties as may be assessed by city, state or federal codes and statutes.

ARTICLE IV

It is hereby declared to be the intention of the City Council 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 of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE V

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

PASSED AND APPROVED this the 16th day of June, 2009.

PASSED AND ADOPTED this the 21st day of July, 2009.

APPROVED:

Hal Richards, Mayor

ATTEST:

John Rounsavall, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney

EXHIBIT A

SPECIFIC USE PERMIT (SUP-17) – SPECIAL CONDITIONS

SITE REQUIREMENTS:

1. Screening – a solid eight (8') foot tall screen wall constructed of decorative steel fence panels painted to match the main building with a continuous coping covering all raw edges of the panels both top, bottom and ends. Panels are to be maintained in good condition, free of rust, graffiti, peeling paint and structural damage. A solid planting of shrubs is to be placed at the exterior base of the screen wall to a minimum height of three (3') tall with trees spaced at 30 feet intervals.
2. Security wire shall not protrude outside the front face of the screening or be lower than six (6') feet above the ground or be within three hundred (300') from any residential structure.
3. All recycled materials shall be stored in bins and shall not be stored directly on the ground at any time. Bins shall be placed on suitably paved surfaces and not on bare ground or in grassy areas.
4. The security gate shall not be of a solid material such that police patrols cannot see within the service yard.

MATERIAL HANDLING REQUIREMENTS:

1. The following materials shall be prohibited for secondary metal recyclers to purchase including manhole covers, electric light poles, guard rails, street signs, traffic signs, traffic signals, funeral markers or vases, communication/transmission/service wire, historical markers, railroad equipment or any item marked with identifiers from a governmental entity, utility company, cemetery or railroad.
2. Catalytic converters shall not be purchased from individuals but shall only be collected directly from automotive repair centers in which each catalytic converter has a traceable invoice to a particular vehicle from which it was removed.
3. The Terrell Police Department shall have the right to inspect the premises as deemed appropriate.
4. Hazardous materials, liquids or automotive parts containing liquids or fluids such as batteries or transmissions shall not be stored or recycled at this facility.
5. Recycling facility operator shall:
 - a. Take and maintain a digital photograph of each individual coming on the premises to sell or deliver materials.
 - b. Take and maintain a digital photograph of each vehicle used by the seller to deliver materials to the facility.
 - c. Record a thumbprint of each individual coming on the premises to sell or deliver materials and require the seller to present written

documentation evidencing that the seller is the legal owner of the metals or is lawfully entitled to sell them or sign a statement that the seller is the legal owner or lawfully entitled to sell the metal.

- d. Hold all materials purchased from individuals for a minimum of 72 hours before disposing of them.
- e. Pay for all materials purchased from individuals on premise with either a company check or through cash cards issued by the recycler in which the card holder's positive identification, thumbprint, address, and phone number has been recorded may be utilized to pay for materials in cash. All materials bought from individuals on premise shall be photographed and held for 72 hours before disposal or distribution.