

ORDINANCE NO. 2015-10

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BRIDGEPORT, TEXAS, RESTRICTING OUTDOOR STORAGE AND/OR SALE OF USED TIRES TO THE INDUSTRIAL ZONING DISTRICT ONLY WITH THE ISSUANCE OF A SPECIFIC USE PERMIT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bridgeport, Texas is a Type A general-law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City of Bridgeport, Texas, previously adopted its comprehensive zoning ordinance, as codified as Exhibit A to Chapter 14 of the Bridgeport Code of Ordinances; and

**WHEREAS**, the City Council deems it in the public interest to adopt regulations governing the outdoor storage and/or sale of used tires in the City as described herein; and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission of the City on July 13, 2015, and a public hearing was held by the City Council on July 21, 2015, with respect to the proposed changes in the zoning regulations; and

**WHEREAS**, all requirements of law for publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code.

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

**SECTION 1**

That Exhibit A to Chapter 14 of the Code of Ordinances, the comprehensive zoning ordinance of the City of Bridgeport, Texas, Section 10 "Industrial District" be and is hereby amended to add a new subparagraph 8 to read as follows:

“8. Outdoor storage and/or sales of used tires, subject to the issuance of a specific use permit as provided by Section 11A.03(7) of this Ordinance.”

## SECTION 2

That paragraph 11A.03 “Specific Uses” of Section 11A “Specific Use Permits” of Exhibit A, “Zoning Ordinance” of Chapter 14 “Zoning” of the Code of Ordinances of the City of Bridgeport is hereby amended to add subparagraph 7 to read as follows:

### 11A.03. Specific Uses:

Uses for which specific use permits may be granted are as follows:

...

“7. Outdoor storage and/or sales of used tires; provided however that the following conditions are met:

a. All outdoor storage and/or display of used tires shall be located on hard-surfaced areas, at a minimum consisting of gravel or crushed rock;

b. All outdoor storage and/or display of used tires shall be screened from the view of any adjacent public street or property by a screening wall or fence no less than six feet (6’) nor more than eight feet (8’) in height, provided that no storage shall exceed the maximum height of such screening. Any portion of the storage yard adjacent to or fronting a street shall be screened with a brick, stone or masonry wall or solid wood stockade fencing; other portions of the storage yard not adjacent to or fronting a street may be screened with a solid opaque fence.

c. A specific use permit will terminate upon change of ownership of the holder of the specific use permit, and is not transferable; and

d. The City Council may impose additional restrictions to protect adjacent properties from the impact of the specific use.”

## SECTION 3

This ordinance shall be cumulative of all provisions of the zoning ordinance and of the Code of Ordinances of the City of Bridgeport, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

#### **SECTION 4**

It is hereby declared to be the intention of the city council 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 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.

#### **SECTION 5**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **SECTION 6**

All rights and remedies of the City of Bridgeport are expressly saved as to any and all violations of the provisions of the zoning ordinance of the City of Bridgeport, Texas, as amended, or any other ordinances relating to manufactured housing regulations which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 7**

The city secretary of the City of Bridgeport is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

**SECTION 8**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 21 DAY OF July, 2015.**

**APPROVED:**



**Corey Lane, Mayor**

**ATTEST:**

  
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**Erika McComis, City Secretary**

