

ORDINANCE NO. O2024-0215B

AN ORDINANCE OF THE CITY OF WILMER, TEXAS AMENDING THE ZONING ORDINANCE AND MAP, TO AMEND CHAPTER 14A, THE ZONING ORDINANCE, SECTION 20A "SCHEDULE OF PERMITTED USES (USE TABLES)" E. "USE TABLES", SUBSECTION (11) "TABLE 11 COMMERCIAL AND WHOLESALE USES" BY ADDING "DATA CENTERS", WITH DEFINITION, TO SAID LIST OF USES IN SAID USE CHART BY CONDITIONAL USE PERMIT IN THE C-2 ZONING DISTRICT CONTAINED IN SAID USE CHART TO REQUIRE A CONDITIONAL USE PERMIT (CUP) IN THE GENERAL COMMERCIAL (C-2) DISTRICT, AND TO AMEND CHAPTER 14A, THE ZONING ORDINANCE, SECTION 20A "SCHEDULE OF PERMITTED USES (USE TABLES)" E. "USE TABLES", SUBSECTION (12) "TABLE 12 LIGHT INDUSTRIAL AND MANUFACTURING USES" BY ADDING "DATA CENTERS", WITH DEFINITION, TO SAID LIST OF USES IN SAID USE CHART BY CONDITIONAL USE PERMIT IN THE L-1 ZONING DISTRICT CONTAINED IN SAID USE CHART TO REQUIRE A CONDITIONAL USE PERMIT (CUP) IN THE LIGHT INDUSTRIAL (L-1) DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council published notices of public hearings of the proposed zoning regulation change and conducted such full and fair hearings in compliance with the Zoning Ordinance and State law, at which time parties in interest and citizens were given an opportunity to speak and be heard; and

WHEREAS, the Planning and Zoning Commission provided its report and recommendation to the City Council approving the zoning regulation change to the City's Zoning Ordinance; and

WHEREAS, after due deliberation and consideration of the information submitted during the public hearings and the recommendation of the Planning and Zoning Commission, the City Council has concluded that approval of this zoning amendment of Chapter 14A, the Zoning Ordinance, section 20A "SCHEDULE OF PERMITTED USES (USE TABLES)" E. "USE TABLES", subsection (11) "Table 11 Commercial and Wholesale Uses" by adding "Data Centers", with definition, to said list of uses in said use chart by Conditional Use Permit in the C-2 zoning district contained in said Use Chart to require a Conditional Use Permit (CUP) in the General Commercial (C-2) District, and to amend the Chapter 14A, the Zoning Ordinance, section 20A "SCHEDULE OF PERMITTED USES (USE TABLES)" E. "USE TABLES", subsection (12) "Table 12 Light Industrial and Manufacturing Uses" by adding "Data Centers", with definition, to said list of uses in said use chart by Conditional Use Permit in the L-1 zoning

district contained in said Use Chart to require a Conditional Use Permit (CUP) in the Light Industrial (L1) District would be in the best interest of the citizens of Wilmer.

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

SECTION 1. That the Zoning Ordinance and Map of the City of Wilmer, Texas, duly passed by the governing body of the City of Wilmer, Texas, as heretofore amended, be and the same is hereby amended by amending an ordinance to amend the Chapter 14A, the Zoning Ordinance, section 20A "SCHEDULE OF PERMITTED USES (USE TABLES)" E. "USE TABLES", subsection (11) "Table 11 Commercial and Wholesale Uses" by adding "Data Centers", with definition, to said list of uses in said use chart by Conditional Use Permit in the C-2 zoning district contained in said Use Chart to require a Conditional Use Permit (CUP) in the General Commercial (C-2) District for Data Center use, in the General Commercial (C-2) District; and to amend Chapter 14A, the Zoning Ordinance, section 20A "SCHEDULE OF PERMITTED USES (USE TABLES)" E. "USE TABLES", subsection (12) "Table 12 Light Industrial and Manufacturing Uses" by adding "Data Centers", with definition, to said list of uses in said use chart by Conditional Use Permit in the L-1 zoning district contained in said Use Chart to require a Conditional Use Permit (CUP) in the Light Industrial (L-1) District for data center use.

SECTION 2. That the Zoning Ordinance of the City of Wilmer, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Wilmer, Texas and the Wilmer Zoning Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such codes, in which event the conflicting provision of such ordinance and such codes are hereby repealed.

SECTION 4. It is hereby declared that it is the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6. That all recitals contained in this Ordinance are fully incorporated herein as if fully written.

SECTION 7. This ordinance shall be in full force and effect from this 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 Wilmer, Texas on this the 15th day of February, 2024.

ATTEST:



Mayra A. Rios, City Secretary

APPROVED:



Sheila Petta, Mayor

APPROVED AS TO FORM:



Michael B. Halla, City Attorney