

ORDINANCE NO. 454

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
FARMERSVILLE AMENDING TITLE 17 OF THE FARMERSVILLE  
MUNICIPAL CODE RELATING TO IMPROVEMENTS IN THE FUNCTION  
AND CLARITY OF PORTIONS OF THE ORDINANCE

The City Council of the City of Farmersville does hereby ordain as follows:

**Section 1.** Subsection 17.40.030 b. (Residential Land Use Table (Special Conditions)) of the Farmersville Municipal Code is amended as follows:

17.40.030 b. Conditional Use Permit required for new uses or the expansion of an existing conditional use permit by twenty five percent or greater. Any multiple expansions totaling more than 25% of the building area of an existing building during a time period of five or less years will also require a Conditional Use Permit.

**Section 2.** Subsection 17.56.020 D. (Commercial Land Use Table (Permitted Uses)) of the Farmersville Municipal Code is amended as follows:

17.56.020 D. If an "x" appears in a column the use is allowed in the zone represented by that column without being subject to any of the conditions listed in Section 17.56.030. Site Plan review is required for new construction, or for the expansion of an existing permitted use by 25 percent or greater. Any multiple expansions that cumulatively total more than 25% of the building area of an existing building during a time period of five or less years will also require a Site Plan Review.

**Section 3.** Subsection 17.56.020 b. (Commercial Land Use Table) of the Farmersville Municipal Code is amended as follows:

17.56.020 b. Conditional use permit required for new uses or the expansion of an existing conditional use permit by twenty five percent or greater. Any multiple expansions that cumulatively total more than 25% of the building area of an existing building during a time period of five or less years will also require a Conditional Use Permit.

**Section 4.** Subsection 17.60.030 a. (Industrial Land Uses (Special Conditions)) of the Farmersville Municipal Code is amended as follows:

17.60.030 a. Conditional Use Permit required for new uses or the expansion of an existing conditional use permit by twenty five percent or greater. Any multiple expansions that cumulatively total more than 25% of the building area of an

existing building during a time period of five or less years will also require a Conditional Use Permit.

**Section 5.** Subsection 17.72.030A. (Site Plan and Design Review (Applicability)) of the Farmersville Municipal Code is amended as follows:

17.72.030 A. Any enlargement of at least twenty five percent or greater to a building that is not a single family residence, and if such enlargement involves a permitted use within the RM, CC, CG, CS or I zoning districts, however any multiple expansions that cumulatively total more than 25% of the building area of an existing building during a time period of five or less years will also require a Site Plan Review.

**Section 6.** Subsection 17.72.030 E. (Site Plan and Design Review (Applicability)) of the Farmersville Municipal Code is amended as follows:

17.72.030 E. Any expansion of the existing building (or active use area) by twenty five percent or more. Expansions smaller than twenty five percent may be approved by the planning director. However, any multiple expansions that cumulatively total more than 25% of the building area of an existing building during a time period of five or less years will require a Site Plan Review. ~~material change or modification to site and/or design plans have been previously approved or conditionally approved by the planning commission or city council subsequent to site plan and design review, excepting any change which does not materially affect the prior determination of the city council or the planning commission. However, a finding of "lack of material change" must be sought by the owner(s) of property on which the proposed change or modification would take place and approved in writing by the planning director prior to the initiation of any such change or modification.~~

**Section 7.** Subsection 17.72.050 C. (Site Plan and Design Review (Action by city planning director)) of the Farmersville Municipal Code is amended as follows:

17.72.050 C. Upon receipt of a complete application, the planning director shall ~~file a notice of public hearing,~~ prepare a report, recommended findings, and recommendations concerning the applicant's(s') proposal and shall present these to the planning commission.

**Section 8.** Subsection 17.72.060 A. (Site Plan and Design Review (Authority of the planning commission)) of the Farmersville Municipal Code is amended as follows:

17.72.060 A. The planning commission shall conduct a ~~public hearing~~ **meeting** to review the applicant's(s') site plan and structure design plan.

**Section 9.** Subsection 17.72.060 D. 3. (Site Plan and Design Review (Authority and action of the planning commission)) of the Farmersville Municipal Code is amended as follows:

3. Disapprove the site plan and/or structure design or postpone action. Upon postponement of action, the planning commission shall specify when further review and/or action shall take place. **If the commission disapproves the site plan, no same or similar proposal may be submitted for one year following the commission's action. If the request is appealed to the City Council and the Council upholds the Commission's action, no same or similar proposal may be submitted for one year following the Council's action.**

**Section 10.** Subsection 17.72.080 D., E. F., G. and H. (Site Plan and Design Review (Procedure—Appeal to city council)) of the Farmersville Municipal Code is amended as follows:

17.72.080 D. Following the receipt of the written appeal and filing fee, the **hearing review** on said appeal shall be set for city council by the city clerk within thirty days.

17.72.080 E. The city clerk shall notify all interested persons immediately upon the matter being set for **hearing appeal review**.

17.72.080 F. Any interested party may request a written transcript to be prepared of such **hearing Council review** upon tendering the necessary fees for a reporter for said transcript.

17.72.080 G. The council upon said **hearing review** of the appeal may rely on the written notice of appeal or may take additional evidence at its own discretion.

17.72.080 H. The council may approve, approve with conditions, or disapprove said plans based on the findings listed in Section 17.72.070 and/or other findings the city council finds relevant. The decision of the council shall be final and not subject to further approval. The decision need not be made at the same meeting as the appeal hearing review. **If the Planning Commission previously denied the Site Plan Review and the City Council upholds the Commission's decision no same or similar application may be submitted for a period of one year after the Council's decision.**

**Section 11.** Subsection 17.96.040 (Conditional Use Permits (Planning Commission Action)) of the Farmersville Municipal Code is amended as follows:

17.96.040 Planning commission action. The planning commission may approve, conditionally approve or deny or forward to the city council without action any application for a conditional use permit; and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time periods, maintenance and operations, as deemed necessary for the protection of adjacent properties and the public interest, when reasonably related to the use of the property. Before granting any conditional use permit the planning commission shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this chapter and the general plan. The planning commission action on the conditional use permit shall be final, unless appealed as provided in 17.96.050 or in the event they defer the matter to the city council without action. **If the commission disapproves the conditional use permit, no same or similar proposal may be submitted for once year following the commission's action. If the request is appealed to the City Council and the Council upholds the Commission's action, no same or similar proposal may be submitted for once year following the Council's action.**

**Section 12.** Subsection 17.96.080 (Conditional Use Permits (Minor modification to use permit)) of the Farmersville Municipal Code is amended as follows:

17.96.080. Minor Modification to a use permit. The zoning administrator may approve minor modifications to an approved use permit. **For purposes of interpretation a minor modification is one where the use is being expanded less than twenty five percent in area. However, any multiple expansions that cumulatively total more than 25% of the building area of an existing building during a time period of five or less years will require a Conditional Use Permit.**

**Section 13.** Subsection 17.100.050 (Variances (Appeals)) of the Farmersville Municipal Code is amended as follows:

17.100.050 Appeals. The planning commission's action on the variance shall be final within ten calendar days after the decision unless appealed to the city council. **If the commission disapproves the conditional use permit, (and no appeal is filed) no same or similar proposal may be submitted for one year following the commission's action.** The applicant or any other person not satisfied with the decision of the planning commission may appeal in writing to the city council. Said appeal shall be accompanied by a filing fee as prescribed by city council resolution, and shall be filed with the city clerk within ten days after the planning commission's decision or the right to appeal is

deemed waived. The city clerk shall set a date for a public hearing before the city council within thirty days and shall give notice to the appellant, the applicant and neighboring property owners in the manner provided in Section 17.100.030. If the request is appealed to the City Council and the Council upholds the Commission's action, no same or similar proposal may be submitted for one year following the Council's action.

**Section 14.** This ordinance shall take effect thirty days after its adoption.

**Section 15.** The City Clerk is authorized and directed to cause this ordinance to be codified after its adoption.

**Section 16.** The City Clerk is further authorized and directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated in the City of Farmersville within 15 days after its adoption. If a summary of this ordinance is published, then the City Clerk also shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council's meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

The foregoing Ordinance No. 454 was introduced at a regular meeting of the City Council of the City of Farmersville on the 27th day of February, 2012, and was passed and adopted at a regular meeting of the City Council on the 12 day of March, 2012, by the following vote:


AYES: 5 Rowlett, Boyer, Benavides , Miller, Santana

NOES: 0

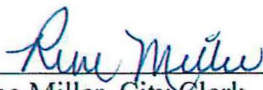
ABSTAIN: 0

ABSENT: 0

APPROVED:

  
\_\_\_\_\_  
Don Rowlett, Mayor  
City of Farmersville

ATTEST:

  
\_\_\_\_\_  
Rene Miller, City Clerk  
City of Farmersville