

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2017-28

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING ORDINANCE NO. 2014-9-11B AND ARTICLES 5 AND 7 OF THE COMMERCIAL PLANNED DEVELOPMENT DISTRICT RELATED TO OUTDOOR LIGHTING AND APPENDIX 2 OF THE CPDD ADDING A SPECIFIC USE TYPE TO GENERAL USE OF MANUFACTURING AND PRODUCTION; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held before the Town of Fairview Planning and Zoning Commission and heretofore made a recommendation concerning the zoning; and

WHEREAS, notice of a public hearing before the Town Council ("Town Council") was published in a newspaper of general circulation in the Town of Fairview at least sixteen (16) days before such hearing; and

WHEREAS, the Town Council has held a public hearing and finds that the zoning herein effectuated furthers the purpose of zoning in the town and that it is in the public interest to approve said zoning described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. The Town Council hereby approves and adopts amendments to the Ordinance No. 2014-9-11B, by amending Exhibit B (CPDD Commercial Planned Development District) to said ordinance as follows:

A. CPDD Article 5 (Lighting, Mechanical, and Utilities), subsection 5.2.1(b)(2) is repealed and replaced with the following text:

All outdoor lighting will be approved by the Town as part of the Development Plan Application. Street lights must use common style fixtures along the same street types. Full cut-off fixtures will be required along streets and green belts. Alternative decorative fixtures may be approved within interior blocks and pedestrian corridors as Minor Warrants. Alternative decorative fixtures, approved as Minor Warrants, shall not exceed 20,000 lumens per developed acre. Downward lighting of buildings, signs, and vegetation will be preferred. Upward lighting may be approved as a Minor Warrant as accent lighting with lower wattages. Upward lighting, approved as a Minor Warrant, shall not exceed 1,000 lumens per fixture.

B. CPDD Article 7 (Definitions), shall be amended to add, directly after the definition of "Alley," the following definition:

Alternative Decorative Fixture: Any outdoor light fixture that does not comply with the full cut-off fixture requirement and is not specifically addressed in this PDD. Alternative decorative fixtures are considered unshielded lighting.

C. CPDD Appendix 2 (Land Use), Industrial Uses, shall be amendment to include the following use type:

General Use Categories	Specific Use Types	Neighborhood General/Neighborhood Edge	Urban Transition	Urban Village	Use-Specific Regulations
Manufacturing and Production	Temporary concrete batch plant		MajW	MajW	

Section 2. The sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person, firm or corporation, or to any circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

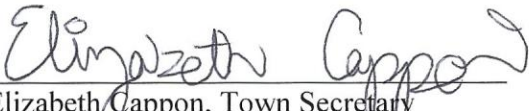
Section 3. It shall be a Class C misdemeanor to violate any provision of this ordinance or the regulations adopted hereunder. The amount to be paid upon conviction shall not exceed the amount set forth and as applicable in the Fairview Code or in said regulations, or the highest amount allowed by law, whichever is lower. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

Section 4. This ordinance amendment shall take effect upon passage and publication, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, THIS 5th DAY OF DECEMBER, 2017.

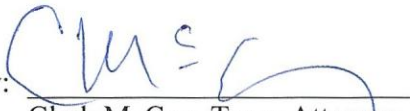

 Darion Culbertson, Mayor
 Town of Fairview

ATTEST:


Elizabeth Cappon, Town Secretary



APPROVED AS TO FORM:

By: 
Clark McCoy, Town Attorney