

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2024-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 14 (ZONING), AND THE ZONING MAP OF THE TOWN OF FAIRVIEW, TEXAS; GRANTING A CONDITIONAL USE PERMIT (CUP) FOR A SPORTS COURT LOCATED AT 901 BRONSON COURT; BEING A 2.5-ACRE TRACT OF LAND LOCATED AT LOT 7, BLOCK A OF THE STODDARD FARMS ADDITION, TOWN OF FAIRVIEW, COLLIN COUNTY, TEXAS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, notice of a public hearing before the Town of Fairview Planning and Zoning Commission was sent to real property owners within 500 feet of the property herein described at least ten (10) days before such hearing; and

WHEREAS, notice of a public hearing before the Town of Fairview 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, public hearings to adopt zoning on the property herein described were held before both the Planning and Zoning Commission and the Town Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the zoning; and

WHEREAS, the Town Council 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. That the Code of Ordinances, Town of Fairview, Texas (“Fairview Code”), Chapter 14 (Zoning), and the zoning map of the Town of Fairview, Texas are hereby amended by granting a Conditional Use Permit (CUP) for a sports court at 901 Bronson Court, being a 2.5-acre tract of land located at Lot 7, Block A of the Stoddard Farms Addition, Town of Fairview, Collin County, Texas, in accordance with the provisions of Chapter 14 (Zoning), Article 14.02, Division 1 (Generally), Section 14.02.024 (Sports Courts) and Chapter 14 (Zoning), Article 14.02, Division 11 (Conditional Use Permit District), Section 14.02.511 et seq., of the Fairview Code, as amended.

Section 2. Use and development of the subject property shall conform to the provisions found in Chapter 14 (Zoning), Article 14.02, Division 1 (Generally), Section 14.02.024 (Sports Courts) and Chapter 14 (Zoning), Article 14.02, Division 11 (Conditional Use Permit District), Section 14.02.511 et seq., of the Fairview Code, as amended, except as follows:

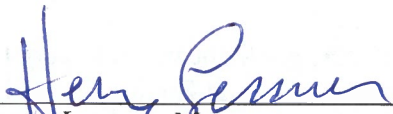
1. Use, location and design of the proposed multi-use sport court shall generally conform to the site plan (Exhibit A & B).

Section 3. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Fairview Code.

Section 4. That 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 5. That this ordinance 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 2nd DAY OF APRIL 2024.


Henry Lessner, Mayor
Town of Fairview

ATTEST:


Joshua Stevenson, Town Secretary

APPROVED AS TO FORM:


Clark McCoy, Town Attorney

PROPERTY DESCRIPTION

Address: 901 Bronson Court, Being Lot 7, in Block A, of Stoddard Farms, an Addition to the Town of Fairview, Collin County, Texas, according to the Map/Plot thereof recorded in Volume 2021, Page 583, of the Map Records of Collin County, Texas.

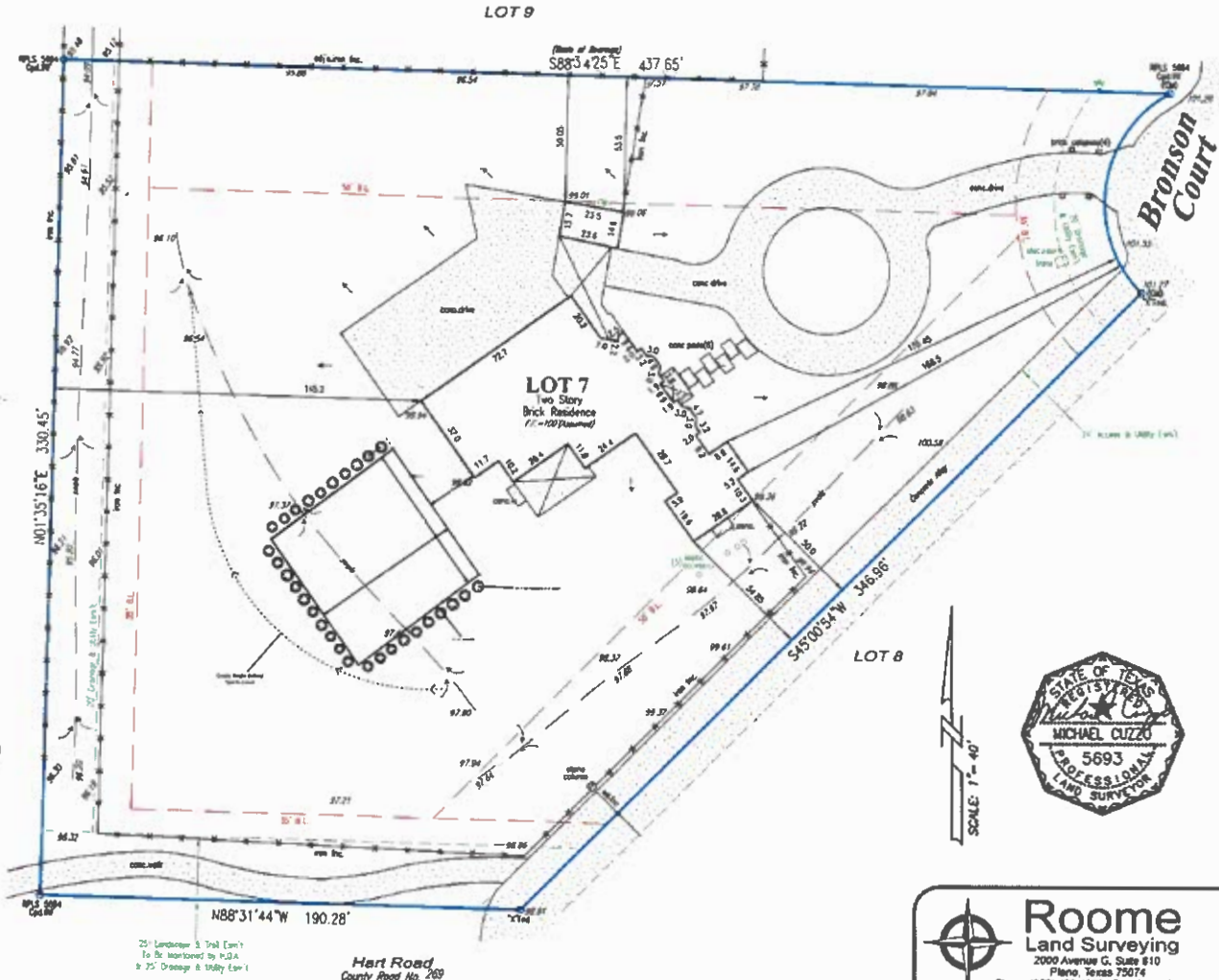
Michael Pezzuli And Wife
Diane Pezzuli
Vol. 5244, Pg. 6602
A.R.C.C.T.

NOTES: (1) Source bearing is based on recorded plot unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48085C (0230J) of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas & Incorporated Area dated June 2, 2009. (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plot. (8) Survey performed without a title commitment. There may be easements, or other matters, not shown.

CERTIFICATION

On the basis of my knowledge, information & belief, I certify in J Anthony Castore Herms as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plot hereon as true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.

Date: 12/06/2023 Revised: _____ Job No. EST18400



R:\E520230\FEST18400.dwg DB

Exhibit A

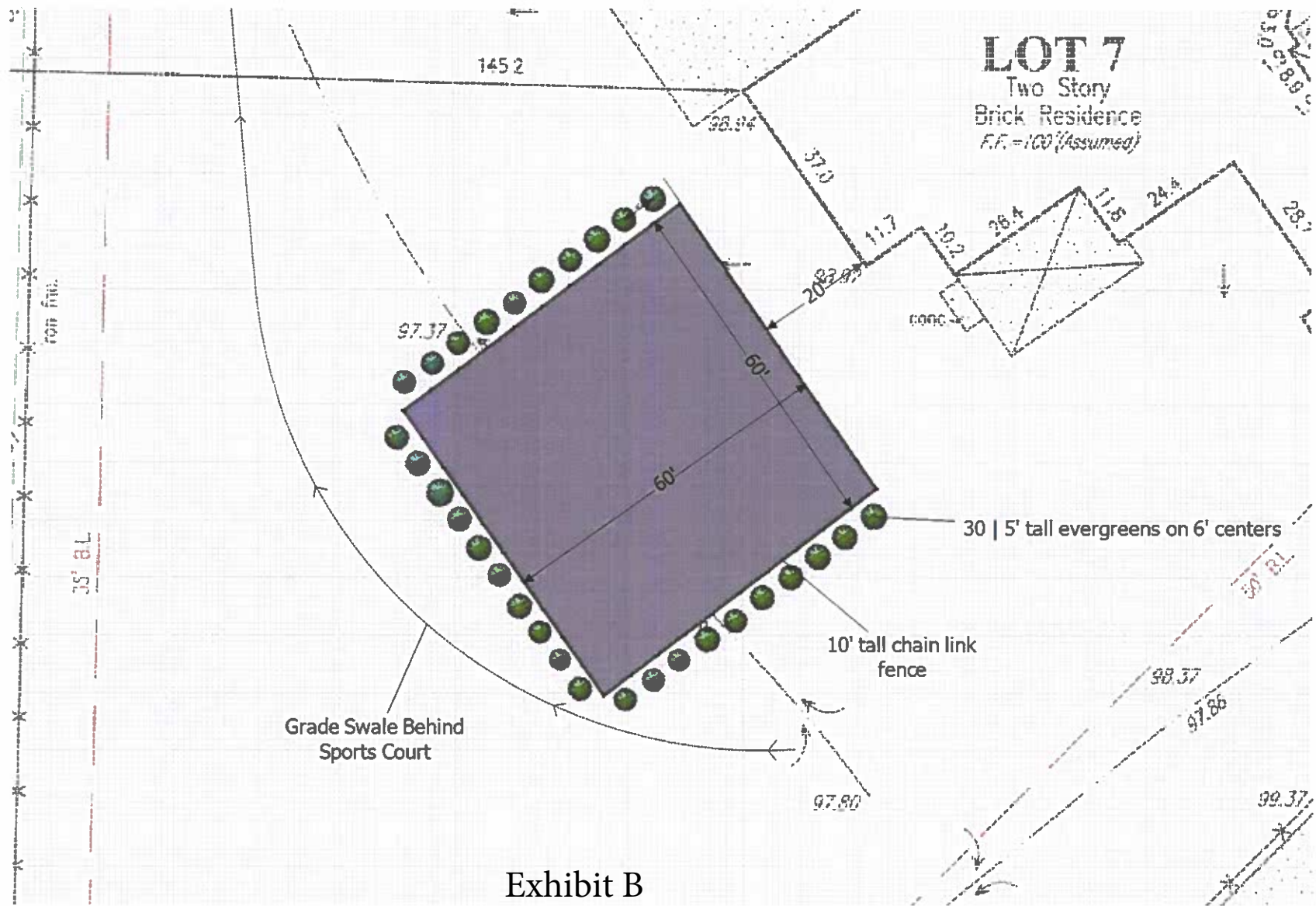


Exhibit B