



**City of New Fairview
Planning & Zoning Commission Special Meeting
999 Illinois Lane
Monday, June 12, 2023, at 6:00 pm**

- 1. Call to Order and Determination of Quorum**
- 2. Pledge to the Flags.**
 - A. United States of America**
 - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.**
- 3. Public Comment:** The Planning and Zoning Commission invites persons with comments or observations related to city planning and zoning issues, projects, or policies to briefly address the Commission. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the Planning and Zoning Commission Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the Planning and Zoning Commission. State law prohibits the Planning and Zoning Commission from discussing or taking action on any item not listed on the posted agenda.
- 4. Work Session:**
- 5. New Business:** All matters listed in New Business will be discussed and considered separately.
 - A. Receive and consider approval of the minutes for the April 24, 2023, meeting.**
 - B. Hold a public hearing and consider a recommendation for an Ordinance for Specific Use Permit of an Airport, Private on 141.49 acres located in G. Buchanan Survey, Abstract No. 31 Wise and Denton Counties, Texas located generally west of S. County Line Road. The property is currently zoned "A" Agricultural.**
 - C. Hold a public hearing and consider a recommendation for an Ordinance to amend Chapter 9B, Article 2, Sections 11 and 12 to permit Farmer's Market, Outdoor use in the SF Single Family zoning district in the City of New Fairview, under Special Conditions**
- 6. Commissioner Announcements:** The Planning and Zoning Commission may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
- 7. Adjournment**

I, the undersigned authority, do hereby certify the above notice of the meeting of the Planning and Zoning Commission of New Fairview, is a true and correct copy of the said notice that I posted on the official posting place at New Fairview City Hall, FM 407, New Fairview, Texas, a place of convenience and readily accessible to the general public at all times, and on its website, said notice being posted this 9th day of June, 2023 at 5:00 PM at least 72 hours proceeding the meeting time.

Susan Greenwood, Assistant City Secretary



SEAL:

This facility is wheelchair accessible; parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at City Hall 817-638-5366 or fax 817-638-5369 or by email at citysecretary@newfairview.org for further information.



**City of New Fairview
Planning & Zoning Commission Special Meeting
Regular Meeting
999 Illinois Lane
Monday, April 24, 2023, at 6:30 pm**

**STATE OF TEXAS
COUNTY OF WISE**

CITY OF NEW FAIRVIEW

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 24th DAY OF APRIL IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING

MEMBERS PRESENT:

PLANNING & ZONING COMMISSIONERS

**Commissioner Sarah Adams
Commissioner Julie Burger
Commissioner Lisa Cabrera
Commissioner Denis Sansoucie**

ABSENT

Commissioner Rebecca McPherson

CITY STAFF

**John Cabrales Jr, City Administrator
Susan Greenwood, Court Administrator/Assistant City Secretary
Steven Cook, City Planner**

1. **Call to Order and Determination of Quorum (Meeting called to order by Commissioner Julie Burger at 6:30 PM; Roll Call with the above-mentioned names.)**
2. **Pledge to the Flags.**
 - A. United States of America
 - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.
3. **Public Comment:** The Planning and Zoning Commission invites persons with comments or observations related to city issues, projects, or policies to briefly address the Planning and Zoning Commission. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the Planning and Zoning Commission Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the Planning and Zoning

Commission. State law prohibits the Planning and Zoning Commission from discussing or taking action on any item not listed on the posted agenda.

4. **Work Session:**

5. **New Business:** All matters listed in New Business will be discussed and considered separately.

- A. Receive and consider approval of the minutes for the January 9, 2023, meeting.

Motion: Commissioner Lisa Cabrera

Second: Commissioner Sarah Adams

Vote: All in Favor

Result: Motion to approve the January 9, 2023, minutes.

- B. Hold a public hearing and consider a recommendation for an Ordinance for Specific Use Permit of Recreational Vehicle Storage on 5.04 acres within Block 51 of the Smith County Land Survey, Abstract No. 744, Wise County, Texas. The property is currently zoned "M" Manufacturing and generally located west of Graham Road.

The public hearing opened at 6:31 pm.

The Public hearing closed at 6:57 pm.

City Planner, Stephen Cook gave a presentation on the Specific Use Permit for a Recreational Vehicle Storage Facility on 429 Graham Road. Stephen Cook explained the owners Donna and Jack Reynolds intend to dedicate additional right-of-way for the future of Graham Road. Commissioner Burger asked if she could ask if the neighbors were opposed to the Storage Facility and if they would have water available there. Stephen Cook verified that water would be available at a later date through Southwest Water and that the facility is for strictly for storage of RV's. Commissioner Cabrera asked about landscaping and how it would be maintained. Stephen Cook stated that it was a requirement that they would have to provide irrigation for the landscaping. Commissioner Burger wanted to know exactly how many lots they were looking at. Stephen Cook stated the site plan has 27 lots which equals 54 places.

Jack Reynolds stated he would have water, that the facility was just a storage facility for RV'S and boats and that most people who have the monetary means to purchase RV'S will want to have a safe place to store them. Veronica Suarz resides at 467 Graham Road and spoke about how the roads were already suffering and she was afraid the weight and traffic of the RV's will make the roads in worse condition than they currently are. She stated people get stuck on Graham Road all the time and only approximately 815 feet of the road was fixed was fixed and she also was afraid she would see the RV'S from her yard. City Administrator, John Cabrales Jr. explained it would be 80 feet off the road, landscaping would be provided, and that she was correct in the fact that the rest of Graham Road does need to be completed which he is aware of how bad the road is and explained that the city council has provided a temporary fix to Graham Road. Veronica Suarz stated that the Storage Facility would be making money so they could contribute money to the city to help fix them. Commissioner Cabrera asked if the only concern was the road. Veronica Suarz stated as long as the Storage Facility was kept clean, there were no people living at the facility, it was kept cleaned, and it was safe for the kids in the neighborhood she would not have an issue with the Storage Facility. John Cabrales Jr. explained the city now has a licensed attorney as our judge, a prosecutor, and code enforcement to help with any issues and the city now has the ability to enforce codes. Jack Reynolds explained that there would be 24-hour security and that the traffic would not be heavy since most of the time the RV'S and boats are stored for days, weeks, or even months.

Motion: Commissioner Sansoucie

Second: Lisa Cabrera

Vote: All in Favor

C. Result: For an Ordinance for Specific Use Permit of Recreational Vehicle Storage on 5.04 acres within Block 51 of the Smith County Land Survey, Abstract No. 744, Wise County, Texas. The property is currently zoned "M" Manufacturing and generally located west of Graham Road.

6. Commissioner Announcements: The Planning and Zoning Commission may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

City Administrator, John Cabrales Jr. reminded the Commissioners about the 50th Semi-Centennial celebration coming on May 20, 2023, and informed them that the first city park is expected to be completed sometime early in July, in which there will be a ribbon cutting ceremony.

7. Adjournment

Motion: Commissioner Denis Sansoucie

Second: Commissioner Lisa Cabrera

Vote: All in Favor

Result: Planning and Zoning adjourned the meeting at 7:02 pm.

MINUTES APPROVED ON THIS 12th DAY OF JUNE 2023



Rebecca McPherson, Commissioner

Susan Greenwood, Assistant City Secretary

This facility is wheelchair accessible; parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at City Hall 817-638-5366 or fax 817-638-5369 or by email at citysecretary@newfairview.org for further information.



**Planning and Zoning Commission Agenda
June 12, 2023**

Agenda Item: 5B

Public Hearing

Agenda Description: Hold a public hearing and consider a recommendation for an Ordinance for Specific Use Permit of an Airport, Private on 141.49 acres located in G. Buchanan Survey, Abstract No. 31 Wise and Denton Counties, Texas located generally west of S. County Line Road. The property is currently zoned "A" Agricultural.

Planning and Zoning Action Requested: Receive public input regarding the request for the approval of a Specific Use Permit for an Airport, Private in the "A" Agricultural zoning district and consider a **RECOMMENDATION OF APPROVAL** of Ordinance No. 2023XX-XX-XXX.

Background Information:

Matthew Spaethe and family own approximately 141.49 acres of land within the "A" Agricultural zoning district at the southern end of the city, west of S. County Line Road. They are asking to improve the property to provide a private grass airstrip to fly their personal aircraft. This use is allowed with a Specific Use Permit in the "A" Agricultural zoning district.

The property has access to S. County Line Road. The private airport has been designed to be in compliance with Federal Aviation Administration requirements regarding this type of airstrip serving light aircraft. The runway surface will be developed as a sixty (60') foot wide; one thousand five hundred (1,500') foot long facility. No lighting fixtures are planned with the facility.

If approved, the airstrip will be graded and developed as a grass airfield without concrete or asphalt paving. The improvement on the property will remain outside of the designated 100 year floodplain on the applicant's property. As a natural turf airfield, it will not generate additional runoff through impervious surfaces. Airfields of this type are required to have regulated space designated on the sides and ends of the runway to accommodate for safety areas for aircraft maneuvers. The airfield has been designed to accommodate all of this area solely on the applicant's property and not encroach on adjacent property owners. As a private facility, very few aircraft operations are intended on this airstrip as compared to the Fairview Airport located



south of FM 407, east of City Hall. The applicant intends to construct one private residence on the property.

City Contact and Recommendation

John Cabrales, City Administrator
Staff recommends approval of the ordinance.

Attachments

Zoning Ordinance No. 202306-03-112, with exhibits.

ORDINANCE NO. 202306-03-112

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A SPECIFIC USE PERMIT FOR AN AIRPORT, PRIVATE IN THE "A" AGRICULTURAL ZONING DISTRICT LOCATED ON 141.49 ACRES WITHIN G. BUCHANAN SURVEY, ABSTRACT NO. 31, NEW FAIRVIEW, TEXAS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on June 12, 2023, in conjunction with a Specific Use Permit case for a Airport, Private located within the "A" Agricultural Zoning District, and has rendered a recommendation to the City Council with respect to this case; and,

WHEREAS, the City Council has conducted a public hearing on June 20, 2023, and has considered the recommendation of the Planning and Zoning Commission, and has determined that the proposed change is in the best interest of the general welfare of the City of New Fairview and that any foreseeable negative impacts of the proposed use have been mitigated through design restrictions or other set condition.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, THAT:

SECTION 1

ALLOWED USES. An Airport, Private and conditions as shown on the site plan and associated drawings of Exhibit A (attached hereto and made a part hereof) shall be permitted on 141.49 acres located in G. Buchanan Survey, Abstract No. 31 Wise and Denton Counties, Texas located generally west of S. County Line Road.

SECTION 2

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 3

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 each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 4

All rights or remedies of the City of New Fairview, Texas, are expressly saved as to any and all violations of the city's zoning ordinance, as amended, or any other ordinance affecting zoning and land use thereto that 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, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 5

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6

The City Secretary of the City of New Fairview, Texas, is hereby directed to publish in the official newspaper of the City of New Fairview, the caption, penalty clause, publication clause, and effective date clause of this Ordinance for two (2) days as required by section 52.012 of the Texas Local Government Code.

SECTION 12

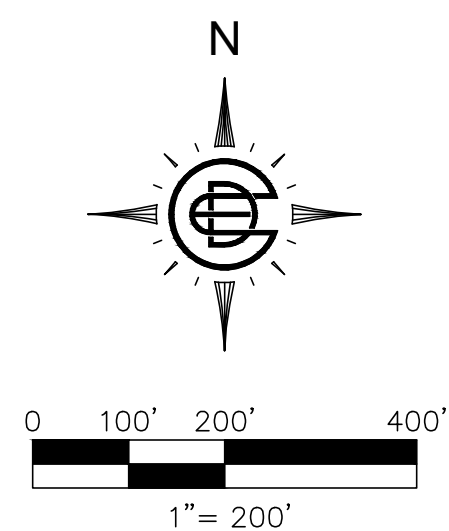
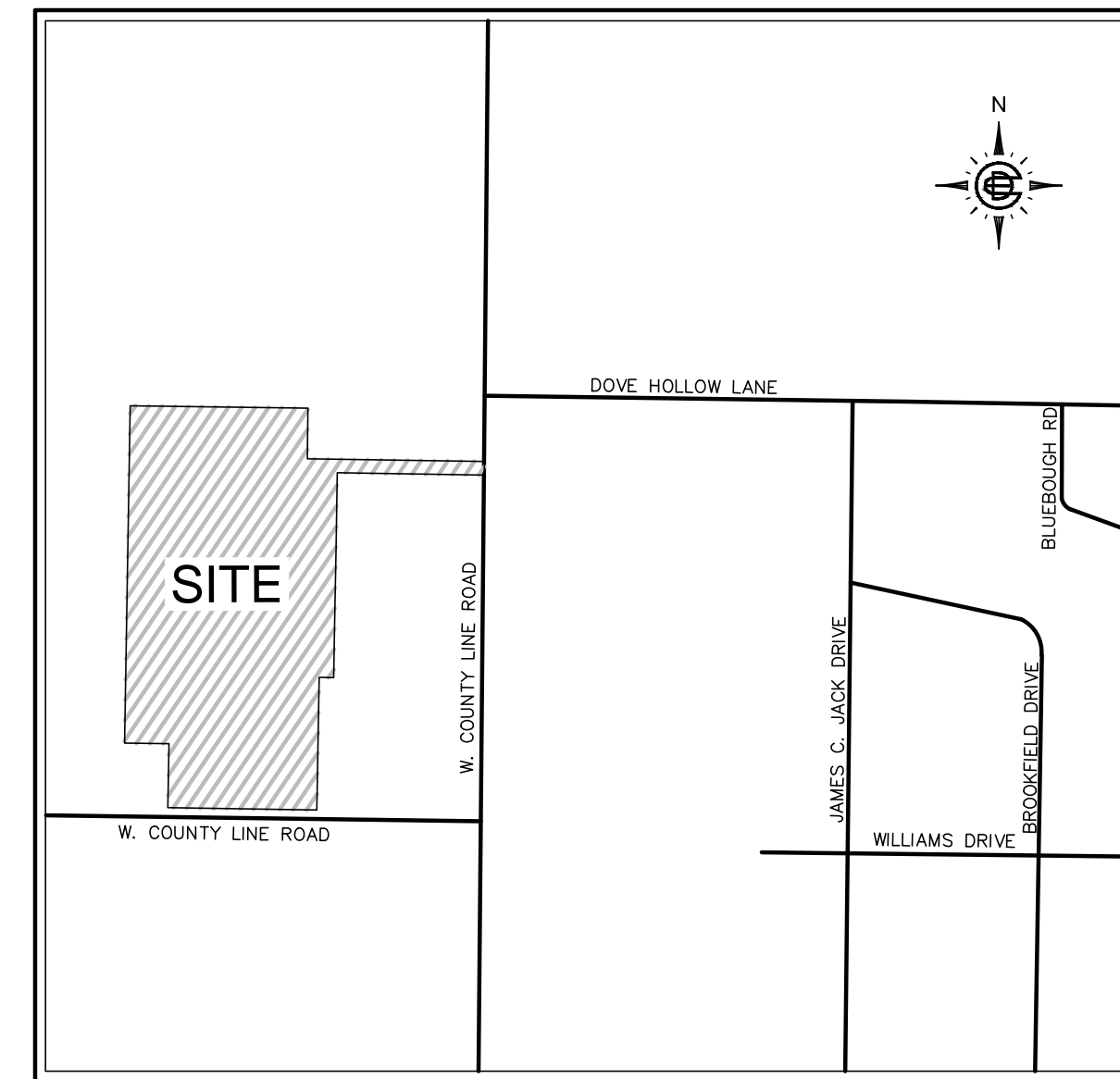
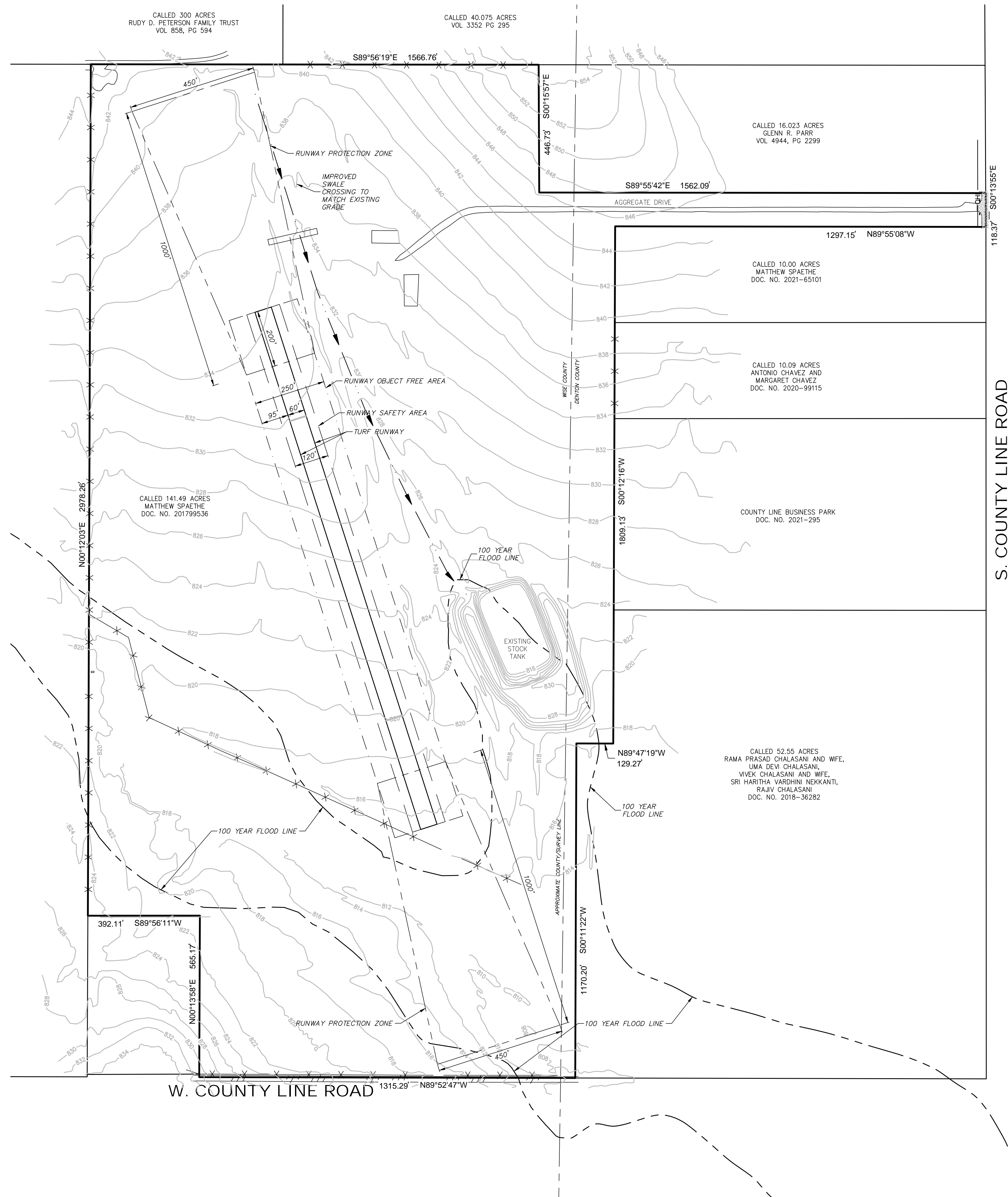
This Ordinance shall take effect from and after its date of passage and publication in accordance with law, and it is so ordained.


PASSED AND APPROVED ON THIS 20th DAY OF June, 2023.

John Taylor, Mayor

ATTEST:

Brook Boller, City Secretary



SITE PLAN	
SPAETHE AIRFIELD	
S. COUNTY LINE ROAD	
CITY OF NEW FAIRVIEW, WISE COUNTY, TEXAS	
PREPARED BY	
 <small>5300 TOWN & COUNTRY BOULEVARD, SUITE 150 FRISCO, TEXAS 75034 469-850-0060 TBPE FIRM NO. F-20255</small>	
ISSUE DATE	DEC FILE NO.
05/23/23	104011
CITY FILE NO.	SHEET NO.
23-01-SUP	C1.1

P:\08 FILES\10411 - Spaethe Airfield\DWG\10411 SITE PLAN.dwg, Sheet 1, 5/23/2023 7:59:34 AM, DwgPlot, 1:1

City of New Fairview Planning and Zoning Commission

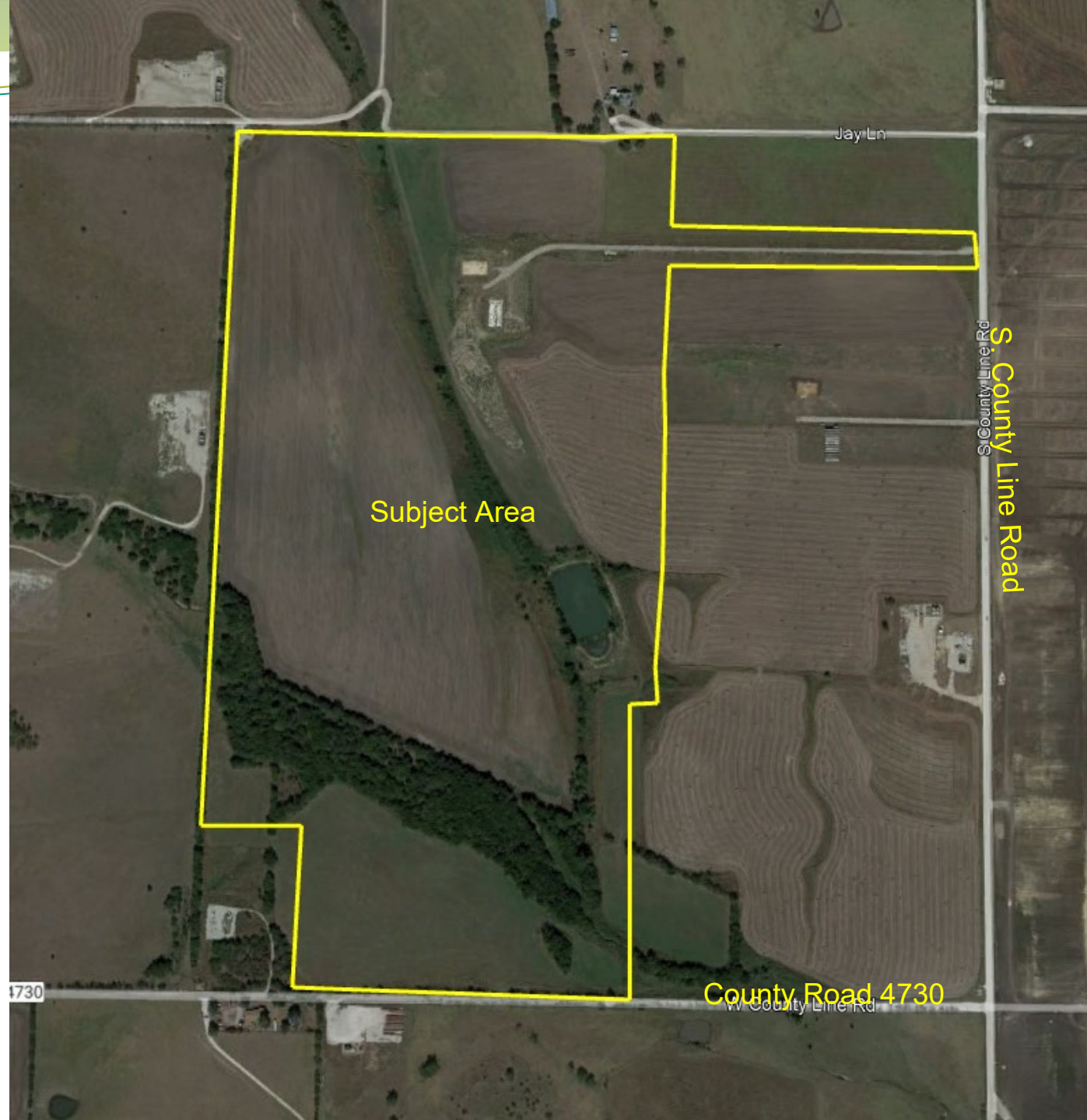
Agenda Item

Airport, Private Specific Use Permit on 141.49 acres

- Proposed Specific Use Permit is for a Private Airport on 141.49 acres west of S. County Line Road.

What the P&Z is being asked:

- Hold a public hearing and consider a recommendation of the SUP for the City Council to consider final approval/disapproval
- Specific Use Permits are legislative acts by the P&Z and City Council and are not administrative.
- A Private Airport is allowed by SUP within the “A” Agricultural Zoning District.



Project
Location

Private
Airport

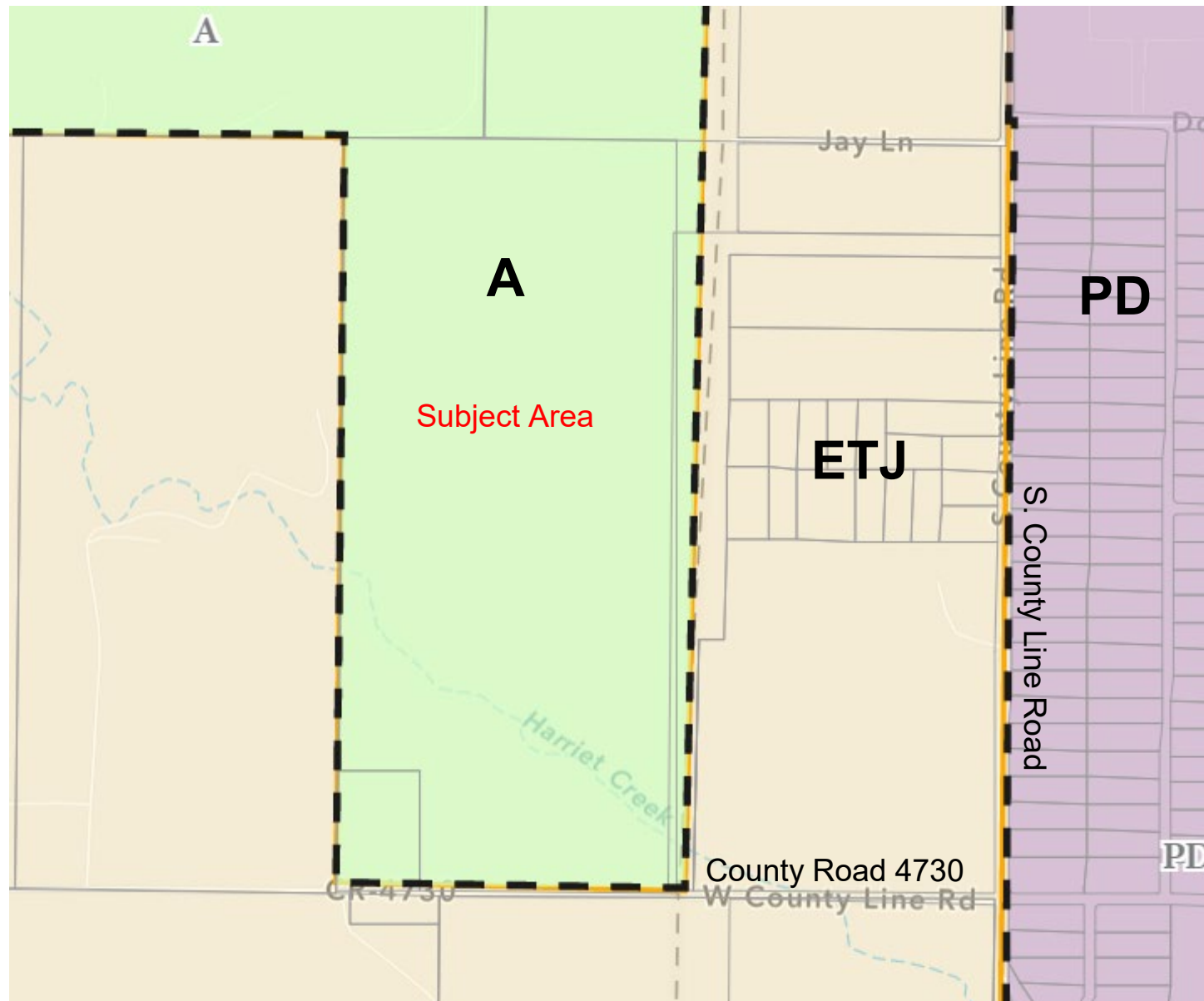
1730

County Road 4730

S. County Line Rd

Jay Ln

W. County Line Rd



Project
Zoning

Private
Airport

Site Plan

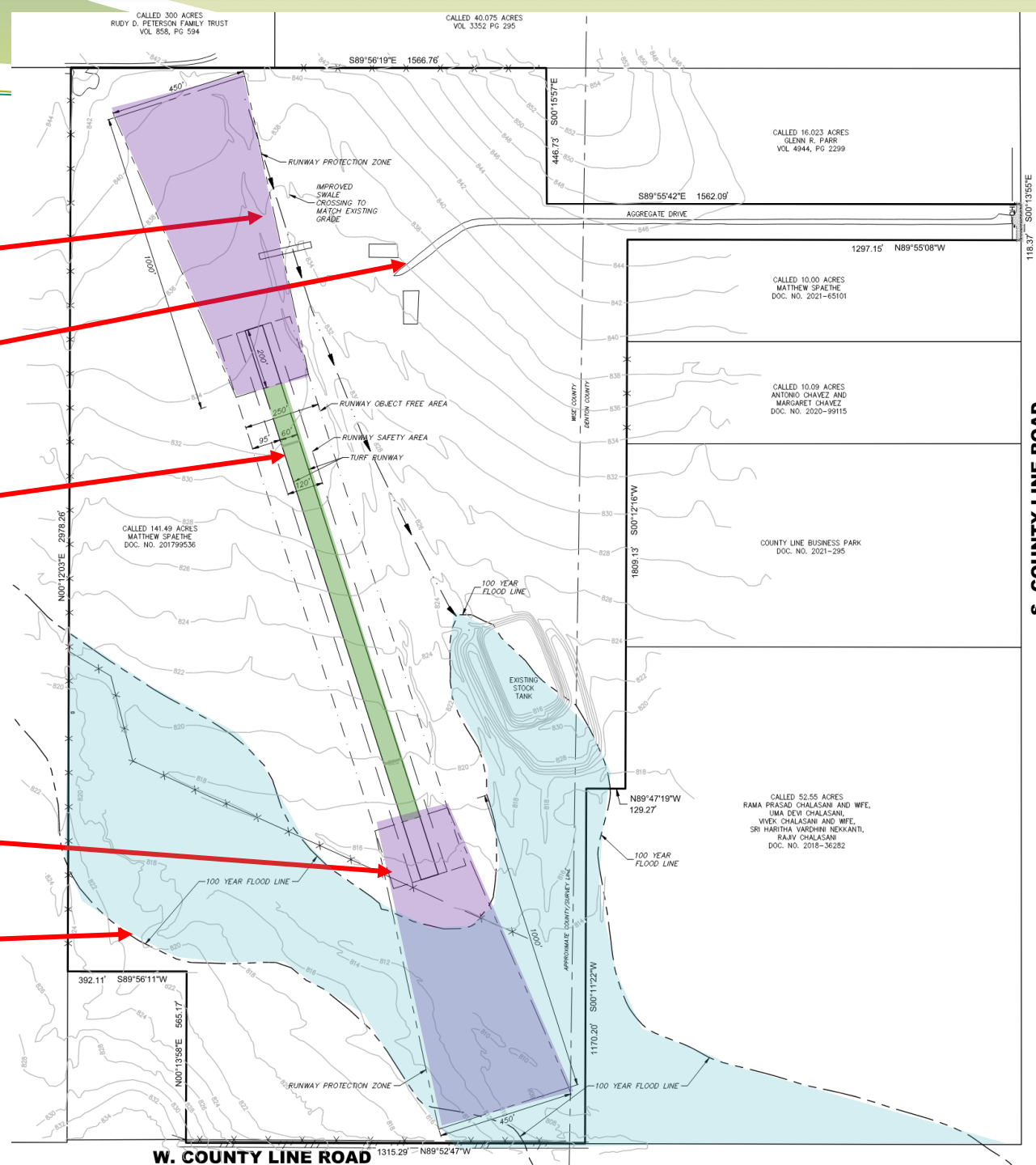
North Runway Protection Zone (RPZ)

Access Drive

1,500' Runway

South Runway Protection Zone (RPZ)

100 Year Floodplain



S. COUNTY LINE ROAD

W. COUNTY LINE ROAD



Planning and Zoning Commission AGENDA MEMO

Prepared By: Stephen Cook, Senior Planner, Dunaway

June 12, 2023

Public Hearing for Amending Permitted Use Table – Farmer’s Market, Outdoor

DESCRIPTION:

Hold a public hearing and consider a recommendation for an Ordinance to amend Chapter 9B, Article 2, Sections 11 and 12 to permit Farmer’s Market, Outdoor use in the SF Single Family zoning district in the City of New Fairview, under Special Conditions.

PLANNING AND ZONING ACTION REQUESTED:

Receive public input regarding the request to amend Chapter 9B, Article 2, Sections 11 and 12 to modify the permitted use table to permit Farmer’s Market, Outdoor by right in the SF Single Family zoning district under Special Conditions and recommend approval.

BACKGROUND INFORMATION:

The City of New Fairview has been approached to allow a Farmer’s Market to occur on City Hall Property located at 999 Illinois Ave in the City of New Fairview. An outdoor farmer’s market is a use under Chapter 9B, Article 2, Section 11, Permitted Use table in the Code of Ordinances. This use is permitted in the A Agricultural zoning district, and by a specific use permit in the M Manufacturing zoning district. The proposed ordinance would allow outdoor farmer’s markets in the SF Single Family zoning district as a permitted use.

The second part of the ordinance would place conditions on all outdoor farmers markets in the city within the SF Single Family zoning district. This section makes a specific reference to a section in a new ordinance to be reviewed by the City Council in the Business Regulations chapter of the Code of Ordinances. The Planning and Zoning Commission has authority to recommend changes to the Zoning Ordinance to the City Council. The ordinance required to provide the farmer’s market regulations affects a different chapter. This ordinance requires only the approval of the City Council. The City Council met in May of this year to discuss the desire to hold a farmers market in the City.

Various former and current City Council have made comments to the City Administrator about their interest in starting a farmers market for the benefit of New Fairview residents and surrounding communities. As part of the 2022 Citizen Satisfaction Survey conducted last year, there were questions concerning various special events, including a farmers market. Sixty-one (61%) percent of the respondents stated that they would "Always" or "Sometimes" attend a farmers market.

A benefit of having a farmers market is that there would be fresh produce and other food products available to residents because we do not have a grocery store in our city. The nearest grocery stores to New Fairview are in Boyd, Justin and Decatur. We are in what is referred to as a food desert, which are regions where people have limited access to healthful and affordable food. Without access to healthful foods, people living in food deserts may be at higher risk of diet-related conditions, such as obesity, diabetes, and cardiovascular disease. Also, farmers markets, if maintained correctly, can become the focal part of a community where people can interact easily creating a sense of place in an area where such is desired.

There are city owned locations that could be considered for locating the farmers market; the Municipal Complex and the City Park. Staff recommends using the Municipal Complex because it is easier to get to and has a much higher visibility to passing traffic. A farmers market is on our Land Use Table, however it is not a permitted use for the Single-Family Residential zoning of the Municipal Complex. In order to allow this in Single-Family Residential zoning by amending Chapter 9B Zoning.

A farmers market is an occasional or periodic market held in an area, open or partially enclosed, where groups of individual sellers offer for sale to the public fresh produce food products and fruit, meat and poultry, plants, and flowers, bake goods, dairy products, and grocery items (but not to include second-hand goods) dispensed from booths/tents located on-site. The City Council is considering the requirement that the food being sold is grown within a certain distance of the city limits in order to prevent vendors from purchasing the food wholesale elsewhere and passing it off as "locally grown."

The City Council may also want to allow the following vendors to participate in the market as well.

- 1) Offers or sells crafts typically known as "handmade" and originating from a trade or occupation of the sort requiring skill and training, particularly manual skill combined with a knowledge of the principles of the art.
- 2) Offers or sells prepared food for off-premises consumption in compliance with all applicable federal, state, and local laws and regulations.
- 3) Conducts a performance at no charge to the general public, including performing arts such as dance, music, opera, theater and musical theater, magic, illusion, mime, spoken word, puppetry, and circus arts.

4) Provides free information, products, or services from an entity that has received a determination letter from the Internal Revenue Service stating that the organization has been determined to be an exempt organization pursuant to [26](#) U.S.C. § 501(c)(3) (i.e. §501(c)(3) of the Internal Revenue Code of 1984), which determination letter has not been revoked.

The following items must be considered in starting up a farmers market:

- **Duration**
 - Between May 1 and October 31 of each year.
- **Hours of Operation**
 - Between 8:00 a.m. and 2:00 p.m on the second Saturday of each month, but can be expanded to more Saturdays as determined by the City Administrator.
 - The City Administrator has the authority to cancel a farmers market due to inclement weather or a conflict with another City event.
- **Permit**

Staff is requesting a change to the fee schedule to allow for a nominal fee for the vendors conducting business within the farmers market. State law requires that when a private person/entity engages in commerce on publicly owned land they must pay a percentage of gross receipts, or a fee in lieu of gross receipt payment.

- Staff recommends al \$50.00 permit fee for each vendor conducting business at the site.
- Staff recommends the possible waving of this fee for non-profits, or persons providing free services or products.

There will be costs to the City to operate a farmers market. Specifically, we will need to pay an employee overtime to monitor the activities at the farmers market, and to supervise City Hall, which will be open for participants to use the restrooms.

- **Facilities**
 - Parking

FINANCIAL CONSIDERATION:

The City will be charging an annual Farmers Market permit fee to help cover some of the costs of the City to operate this market.

RECOMMENDED MOTIONS:

I move to **Recommend/Not Recommend** an Ordinance amending Chapter 9B, Article 2, Sections 11 and 12 for the permitting and conditioning of Farmer’s Market, Outdoor uses in the SF Single Family zoning district.

ATTACHMENT(S):

1. Zoning Ordinance 202306-02-211

CITY OF NEW FAIRVIEW, TEXAS
ORDINANCE NO. 202306-02-211

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS AMENDING CERTAIN SECTIONS OF CHAPTER 9B ZONING REGULATIONS, ARTICLE 2, SECTIONS 11 AND 12, PERMITTED USES OF THE CODE OF ORDINANCES OF THE CITY OF NEW FAIRVIEW REGARDING FARMERS MARKETS; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Fairview is a general law municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas; and,

WHEREAS, the City possesses all of the rights, powers, and authorities possessed by all general law municipalities, including the authority to regulate land uses under Chapter 211 of the Texas Local Government Code, as amended; and

WHEREAS, the City has previously adopted Farmer’s Markets as an allowable land use and desires to extend that permitted land use to other zoning classifications;; and

WHEREAS, the proposed change is consistent with the Comprehensive Plan; and

WHEREAS, the City’s Planning and Zoning Commission and City Council of the City of New Fairview, Texas, in accordance with state law and the ordinances of the City, have given the required notices and have held the required public hearings regarding the proposed zoning text amendment; and

WHEREAS, after due deliberations and consideration of the recommendation of the City’s Planning and Zoning Commission, and any other information and materials received at the public hearing, the City Council of the City of New Fairview, Texas has determined that amendments to Chapter 9B, Zoning Ordinance; Article 2, Sections 11 and 12, Permitted Uses is in the best interests of the public health, safety, and welfare of the residents of the City and that it is in the public interest to adopt the new zoning text amendment, adding Farmer’s Market, Outdoor to the table of permitted uses in a SF zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, THAT:

SECTION 1

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of the Ordinance as if fully set forth herein.

SECTION 2

Chapter 9B Zoning Ordinance, Article 2, Section 11 Permitted Use Table is amended as follows:

Residential				Nonresidential		Special Conditions
A	SF	MH		C	M	
P	P		Farmer's Market, Outdoor		S	23

Chapter 9B Zoning Ordinance, Article 2, Section 12 Special Conditions for Listed Uses is amended with the addition of paragraph 23:

23. All farmer's markets, outdoor uses within the SF Single Family zoning district shall be subject to Chapter 5, Article 5.07 of the City of New Fairview Code of Ordinances.

SECTION 3

This Ordinance, shall be cumulative of all other ordinances of the City, and in those instances where the provisions of other ordinances are in direct conflict with the provisions of this Ordinance; provided however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 4

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be punished by a penalty of a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 5

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict and any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7

This Ordinance shall take effect and be in full force from and after its publication, as provided by State law.

DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, ON THIS 20th DAY OF JUNE, 2023.

John Taylor, Mayor

ATTEST:

Brooke Boller, City Secretary

City of New Fairview Planning and Zoning Commission

Agenda Item

Farmer's Market, Outdoor – Permitted Use Amendment

- Proposed change to Permitted Use Table (Chapter 9B, Article 2, Section 11 – to add “P” Permitted in the SF zoning district under Farmer's Market, Outdoor
- Add Paragraph 23 to Section 12 referencing conditions for Farmers Market which will be approved by separate ordinance within the Business Regulations Chapter.

City of New Fairview Planning and Zoning Commission

Agenda Item

Farmer's Market, Outdoor – Permitted Use Amendment

What the P&Z is being asked:

- Hold a public hearing and consider a recommendation of the change to the Zoning Ordinance to the City Council
- All changes to the Zoning Ordinance must have recommendations by the P&Z to the City Council. Other sections of the Code of Ordinances may go directly to Council.
- The permitted use table only changes Farmer's Market to permitted in the SF zoning district and will place conditions on its use in all zoning districts.

City of New Fairview Planning and Zoning Commission

Agenda Item

Farmer's Market, Outdoor – Permitted Use Amendment

Residential				Nonresidential		Special Conditions
A	SF	MH		C	M	
P	P		Farmer's Market, Outdoor		S	23

23. All farmer's markets, outdoor uses shall be subject to Chapter 5, Article 5.07 of the City of New Fairview Code of Ordinances.

City of New Fairview Planning and Zoning Commission

Agenda Item

Farmer's Market, Outdoor – Permitted Use Amendment

Details of the Business Regulations Amendment

- Definitions
- Establishment of a Farmers Market
- Permits required
- Permit fee.