

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2010-12-7A

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING ORDINANCE NO. 1999-021, ON A TRACT OF LAND COMMONLY KNOWN AS THE HERITAGE RANCH PLANNED DEVELOPMENT ZONING DISTRICT, COMPRISED OF APPROXIMATELY 575 +/- ACRES, FURTHER SHOWN ON EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN; PERMITTING VERTICAL STRUCTURES WITHIN THE BUILDING SETBACKS WITH A MAXIMUM HEIGHT OF TWENTY (20) INCHES; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, notice of a public hearing before the 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 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. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. That Ordinance 1999-021 be amended to reflect the following changes:

Section 3. That Sections III and IV within the Heritage Ranch Planned Development is hereby amended to indicate the following changes: Permitting vertical structures within the building setbacks up to a maximum of twenty (20) inches.

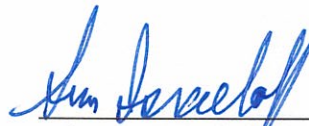
Section 4. That Ordinance 1999-021 shall remain in full force and effect save and except as amended by this ordinance.

Section 5. 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 of Ordinances.

Section 6. 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.

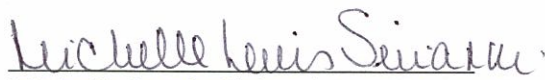
Section 6. That this ordinance shall take effect upon passage and publication, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this 7th day of December, 2010.



Sim Israeloff, Mayor
Town of Fairview

ATTEST:



Michelle Lewis Sirianni, Town Secretary



EXHIBIT "A"

