



CITY COUNCIL COMMUNICATION

November 13, 2012

SUBJECT: Amending Chapter 84, "Unified Development Code" Revising Article I, "General Provisions" and Article IV, "Zoning District Regulations".

SUBMITTED BY: Mike Collins, Director Planning and Economic Development

REFERENCE NO: Ordinance No. 1978

ACTION REQUESTED:

Hold Public Hearing and Consider First and Final Reading of Ordinance No. 1978, amending Chapter 84, "Unified Development Code", of the Code of Ordinances, by revising Article I, "General Provisions", Section 84-7, "Definitions and word usage" by providing a definition for non-depository financial institutions; amending Article IV, "Zoning District Regulations", Section 84-84, "Permitted uses table" and Section 84-85, "Special conditions by use type".

ALTERNATIVES:

- Approve the request with modifications
- Deny the request

SUMMARY OF SUBJECT:

The City of Euless is requesting a modification to the Unified Development Code to provide specific definitions for non-depository financial institutions, establish locations for those uses to be permitted in and to identify conditions in which the uses must comply with in order to be permitted. The City has determined that a proliferation and clustering of these uses can have an unreasonable adverse effect on the citizens of Euless.

The definition of a non-depository financial institution will include any business which falls under the definition of three categories: check casing businesses, payday/advance loan businesses and car title loan businesses. Each of these categories has been further defined by the ordinance. The primary definition excludes any state or federally chartered bank,

savings and loan association, credit union or pawnshop as these are further regulated by the state. The definition also excludes convenience stores, supermarkets or other retail establishments in which retail sales constitutes seventy-five percent of the gross revenue.

The proposed ordinance would require all future non-depository financial institutions to be located within the industrial zoning districts through the approval of a Specific Use Permit.

Additionally, non-depository financial institutions would be required to be setback five-hundred feet from the right-of-way of Airport Freeway, SH 121, Euless Boulevard, and Industrial Boulevard and setback five hundred feet from any residentially zoned property. Lastly, any non-depository financial institutions would be required to be setback one thousand feet from one another.

All existing non-depository financial institutions as defined in the ordinance, if they are not compliant with the ordinance, would become legally existing non-conforming uses. They would be required to register as non-conforming uses and would not be allowed to be issued a new certificate of occupancy through ownership change or similar circumstances unless the use is brought into conformance with the ordinance.

Staff recommends approval of the zoning change.

The Planning and Zoning Commission held a public hearing on November 6, 2012 and by a vote of 7-0 recommended approval of the ordinance.

SUPPORTING DOCUMENTS:

- Ordinance No. 1978
- Draft Minutes – P & Z

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **KS** _____

City Secretary's Office