



FARMERS BRANCH

ORDINANCE NO. 2961

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH BY AMENDING ARTICLE VIII, SECTION 700 DEFINITIONS BY ADDING A DEFINITION FOR CHECK CASHING BUSINESSES, PAYDAY ADVANCE/LOAN BUSINESSES, CAR TITLE LOAN BUSINESSES, SUPERMARKET AND BY AMENDING THE DEFINITION OF BANK OR FINANCIAL INSTITUTION; BY AMENDING ARTICLE VIII REQUIRING-A SPECIFIC USE PERMIT FOR CHECK CASHING BUSINESSES, PAYDAY ADVANCE/LOAN BUSINESSES AND CAR TITLE LOAN BUSINESSES; BY AMENDING ARTICLE VIII, SECTION 410 TO PROVIDE SUPPLEMENTAL REGULATIONS FOR CHECK CASHING BUSINESSES, PAYDAY ADVANCE/LOAN BUSINESSES AND CAR TITLE LOAN BUSINESSES; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is authorized to adopt ordinances pursuant to its police power to protect the health, safety and general welfare of its citizens; and

WHEREAS, the Planning and Zoning Commission considered and made recommendations on changes to the Comprehensive Zoning Ordinance of the City of

the purpose of protecting the economic and financial health of its citizens and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the proliferation and clustering of alternative financial services businesses known as Check Cashing businesses, Payday Advance/Loan businesses, and Car Title Loan businesses in a community may have a detrimental effect on local property values and economic redevelopment; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and State Law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said amendments to the Comprehensive Zoning Ordinance should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That Article 8-114 (“Miscellaneous Uses - Schedule of Uses”) is hereby amended to allow “**Check Cashing businesses, Payday Advance/Loan businesses, and Car Title Loan businesses**” subject to approval of a specific use permit, within the zoning districts described below:

8-410-1 That “Check Cashing businesses, Payday Advance/Loan businesses, and Car Title Loan businesses ” and all related activity, shall be allowed subject to approval of a Specific Use Permit and only within the Local Retail 2 (LR-2) zoning district.

8-410-2 The application for a Specific Use Permit involving a check cashing business, payday advance/loan business or car title loan business shall meet the following requirements, at a minimum:

- 3) No check cashing business, payday advance/loan business or car title loan business may be located within 1000 feet of another check cashing business, payday advance/loan business
- 4) No check cashing business, payday advance/loan business or car title loan business may be located within 500 feet of the right of way of US Interstate 35East, US Interstate 635 (LBJ Freeway), President George Bush Tollway or the Dallas North Tollway.
- 5) For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects,

- a. From the nearest portion of the property line of the site where the existing business is located to the nearest portion of the property line of the site where the new business is proposed, if confirming separation between businesses;
- b. From the nearest portion of the right-of-way line of US Interstate 35 East, US Interstate 635 (LBJ Freeway), President George Bush Tollway, or the Dallas North Tollway to the property line of the site where the new business is proposed if confirming buffering from these roadways.

SECTION 3. That following definitions be added to Section 8-700 of the Comprehensive Zoning Ordinance:

“Bank or financial institution means an establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds excluding pawnshops, check cashing businesses, payday advance/loan businesses and car title loan businesses.”

“Check cashing business means (1) an establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, or where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time; or (2) an establishment where the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business, provided such retailer does not cash more than 100 checks in any calendar month. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop or supermarket.”

“Payday advance/loan business means an establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant’s next payday, and then cashed unless the customer repays the loan to reclaim such person’s check.”

“Car title loan business means an establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.”

"Supermarket means a food market, or combination food market and department store with more than 10,000 square feet of area"

SECTION 4. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 5. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs.

SECTION 6. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

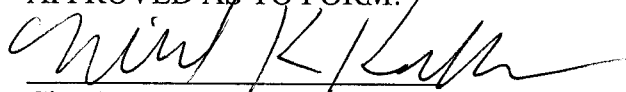
SECTION 7. This ordinance shall take effect immediately from and after its passage and as the law in such case provides.

DULY PASSED by the City Council of the City of Farmers Branch, Texas, on the 3rd day of June 2008.


ADOPTED: 

Tim O'Hare, Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST: 

Cindee Peters, City Secretary