



**Farmersville**  
DISCOVER A TEXAS TREASURE

**TO:** Mayor and Councilmembers

**FROM:** John Moran, City Manager

**DATE:** June 28, 2011

**SUBJECT:** PUBLIC HEARING –Public Hearing to consider, discuss and act upon an amendment to Section 18 of the Comprehensive Zoning Ordinance by adding a new Section 18-E and a new Section 18-F establishing site plan requirements for commercial development and multi-family development projects.

Tentative Ordinance attached.

**Action:** Open Public Hearing and call time

**Ask for those OPPOSED to the Comprehensive Zoning Ordinance amendment**

**Ask for those FOR the Comprehensive Zoning Ordinance amendment**

**Close Public Hearing and call time**

**Council to discuss and take action.**

(II – A)

**CITY OF FARMERSVILLE  
ORDINANCE # O-2011-0628-003**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF SECTION 18, "CREATION OF BUILDING SITE," BY ADDING A NEW SECTION 18-E ENTITLED "SITE PLAN APPROVAL REQUIRED FOR COMMERCIAL DEVELOPMENT" AND BY ADDING A NEW SECTION 18-F ENTITLED "SITE PLAN APPROVAL REQUIRED FOR MULTI-FAMILY DEVELOPMENT"; REPEALING ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, has recommended the amendment of Section 18 of the Comprehensive Zoning Ordinance, entitled "Creation of Building Site" by adding a new Section 18-E entitled "Site Plan Approval Required for Commercial Development" and by adding a new Section 18-F entitled "Site Plan Approval Required for Multi-Family Development"; and

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to this recommended text amendment coming before the City Council of the City of Farmersville; and

**WHEREAS**, the City Council of the City of Farmersville, after notice and public hearing as required by law and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during said public hearings, the City Council is of the opinion and finds that the change of such zoning text will not be detrimental to the public health, safety, or general welfare of the citizens of the City, and will promote the best and most orderly development of the property affected thereby, and as well the owners and occupants thereof, and the City generally; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:**

**SECTION 1. Findings Incorporated**

All of the above premises are hereby found to be true and correct legislative and factual determinations of the City of Farmersville and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2. Amendment to Section 18, "Creation of Building Site," of the Comprehensive Zoning Ordinance by adding a new Section 18-E entitled "Site Plan Approval Required for Commercial Development" and by adding a new Section 18-F entitled "Site Plan Approval Required for Multi-Family Development"**

From and after the effective date of this Ordinance, Section 18 of the Comprehensive Zoning Ordinance, entitled "Creation of Building Site" is hereby amended by adding a new Section 18-E entitled "Site Plan Approval Required for Commercial Development" and by adding a new Section 18-F entitled "Site Plan Approval Required for Multi-Family Development" to read as follows:

**"18-E. Site Plan Approval Required for Commercial Development**

1. Site plan approval shall be required prior to the issuance of a building permit for the construction of any new structure or any addition to a structure that is intended to be used for any commercial or nonresidential use and which construction affects the structure's size, shape, or volume.
2. All building permits must conform to an approved site plan.
3. Approval of a site plan by the City Council, after a recommendation by the Planning and Zoning Commission, shall be required when the site plan is in conjunction with a request for a specific use permit or for a planned development.
4. A public hearing shall not be required on a site plan application unless the site plan is submitted in conjunction with the submission and request for approval of a specific use permit or a planned development.
5. *Submission of site plan drawn to scale.* Prior to the issuance of any building permit, a site plan drawn to scale shall be submitted to the City Manager for initiation of the review and approval process through City Council and/or the Planning and Zoning Commission, as appropriate, along with the number of copies of the plan deemed necessary by the City to complete the required reviews or memorandums. The scale and number of copies shall be that deemed necessary by the City Manager. (Note: All references contained in this Section 18-E to the City Manager mean and include the City Manager's designee.)
6. *Features to be shown on site plans.* Site or development plans shall include the following information
  - (a) *General.* The following general information shall be included:
    - (1) The Applicant's name, address, and telephone number and his legal interest in the property;

- (2) The owner's name and address and, if different than the applicant, the owner's signed consent to the filing of the application;
- (3) Street address (or common description) of the property;
- (4) The zoning classification and present use of the subject property;
- (5) The proposed use or uses and a general description for the proposed development;
- (6) A survey, certified by a registered professional land surveyor, showing existing and proposed property boundary lines with dimensions, easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property;
- (7) Maps showing the location, size, use and arrangements of all proposed buildings and computations showing height in stories and feet, total floor area, total square feet of ground area coverage of proposed and existing buildings which will remain, if any;
- (8) Location, dimensions and number of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles; sidewalks, walkways and pathways; refuse areas;
- (9) The location and size of existing and proposed electric, water and sewer utilities on and adjacent to the site and fire hydrant locations;
- (10) All existing and proposed surface and subsurface drainage facilities, including culverts, drains and detention ponds, showing the size and direction of flow;
- (11) Location, size and arrangement of all outdoor signs;
- (12) The location and direction/intensity, if required, of all outdoor lighting;
- (13) Architectural renderings or elevations of proposed structures;
- (14) Location, designation and total area of all open usable space;
- (15) A detailed landscaping plan meeting the provisions of this chapter;

- (16) The adjacent land uses and improvements within 200 feet of the subject property;
- (17) The location of hazardous chemical storage;
- (18) A scale shall be shown with the dimensions as determined by the City Manager;
- (19) The location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);
- (20) The location and type of all existing and proposed screening;
- (21) The required landscape areas; and
- (22) Any additional information as deemed necessary to adequately evaluate the site or development plan.

(b) *Screening of Mechanical Equipment.* Mechanical and heating and air conditioning equipment in non-residential uses shall be screened from view from the public right-of-way and from adjacent residential properties.

(c) *Lighting.* The lighting for the subject property will be constructed in conformance with Section 12 of the City of Farmersville, Texas Code of Ordinances.

7. *Site circulation and parking.* The following site circulation and parking information shall be included on the site plan:

- (a) The drive approach dimensions and radii;
- (b) The delineation and width of internal circulation roadways;
- (c) The distances between driveways and intersecting streets;
- (d) The number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;
- (e) The parking dimensions;
- (f) The stacking spaces and drive-through lane location;
- (g) The location of curb stops relative to front of parking stall. (Note: Wheel stops are not permitted in lieu of curbs);
- (h) The handicapped ramps (required at all intersections);
- (i) The building entrances;
- (j) The sidewalk dimensions;
- (k) The fire lanes meeting fire code standards;
- (l) The location and dimension of delivery truck docks;
- (m) The location and dimension of loading spaces;
- (n) The location of bay doors;

- (o) The sanitation container locations;
- (p) The medians, islands, barriers, and channelization;
- (q) The width of adjacent streets, alleys, or other access abutting property;
- (r) The length, width, and taper of turn bays;
- (s) The directional signage and directional arrows for one-way traffic driveways;

8. *Utility plan.* A utility plan shall be included on a separate drawing sheet(s) from the site plan, and shall include the following information:

- (a) The existing and proposed water mains (include size and valve locations);
- (b) The water meter size and location;
- (c) The existing and proposed sewer mains (include size, manholes and cleanout);
- (d) The sewer service size (provide cleanout at property line);
- (e) The existing and proposed utility easements including the associated utility line (public or private) and its size;
- (f) The existing and proposed fire hydrants (including any nearby off-site hydrants);
- (g) The existing and proposed fire lines, fire sprinkler connections, and appurtenances;
- (h) The location and size of irrigation meters;
- (i) The location and size of grease and sand traps;
- (j) The location and size of sampling pits; and,
- (k) The location and type of pretreatment.

9. *Drainage plan.* A drainage plan shall be included on a separate drawing sheet(s) from the site plan, and shall include the following information:

- (a) The existing and proposed elevation at critical points;
- (b) The drainage area map (if site is over one acre);
- (c) The on-site collection system, including stormwater detention areas and detention ponds;
- (d) The 100-year flood elevation (if in floodprone area), and erosion hazard setback easement;
- (e) The existing and proposed contours at two-foot intervals;

- (f) The existing and proposed drainage structures (include size and type);
- (g) The existing and proposed culverts (use six-to-one sloped headwall); and
- (h) The direction of surface drainage (must be discharged into existing waterway or public right-of-way).

10. *Landscape plan.* A detailed landscape plan in conformance with Section 11 of this Code shall be submitted along with the site plan. Landscape plans shall be prepared by a landscape architect, landscape contractor, or landscape designer. A landscape plan shall include all information as listed in Section 11-E.

11. *Attributes in consideration.* City Council, Planning and Zoning Commission, and staff consideration shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage and utilities, parking spaces, protective screening and open spaces, as well as areas designated for landscaping, and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity, and general welfare of the City.

12. *Additional information.* If, during the course of considering the site plan or landscape plan, the Planning and Zoning Commission is of the opinion that a proper recommendation or determination cannot be made without additional information, the Planning and Zoning Commission is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the additional information for the Planning and Zoning Commission's consideration.

13. *Expiration.* A site plan shall expire two years after its approval, if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Site plans submitted for a planned development or specific use permit shall not expire.

14. *Approval required.* A building permit shall not be issued prior to the approval of the site plan by the City Council, Planning and Zoning Commission and/or City Manager, as appropriate. No building permit shall be issued except in compliance with the approved site plan, including all conditions of approval.

15. *Inspections, revisions, and continued compliance.* During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed:

- (a) In the event that changes to the approved site plan are proposed, the director of planning shall have the authority to require that a revised site plan be submitted to the city for review and approval;

(b) It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The City Manager shall have the authority to interpret conformance to an approved site plan; provided that such interpretations do not materially affect access, circulation, general building location on the site, or any conditions specifically attached as part of a Planning and Zoning Commission or City Council approval. The City Manager shall only approve minor changes, which substantially conform to the approved site plan, and to all applicable city regulations, such as:

- (1) Minor dimension and location adjustments;
- (2) Minor changes in the number of parking spaces provided that minimum parking requirements are met;
- (3) Adjustments to sanitation container location;
- (4) Minor revisions to approved elevations; and
- (5) Substitution of similar materials on an approved landscape plan.

(c) The City Manager may not approve the following types of revisions:

- (1) Major changes to type of screening materials;
- (2) Significant alterations to the building footprint;
- (3) Specific conditions of approval; and
- (4) Any changes that may negatively impact adjacent properties.

(d) If, in the judgment of the City Manager, the proposed revisions exceed staff's approval authority, the revised site plan shall be forwarded to the Planning and Zoning Commission for consideration according to the procedures for site plan approval. If proposed revisions to the site plan have not been approved by the City Manager within 30 days of their final submission, they shall be scheduled for consideration by the Planning and Zoning Commission upon request by the applicant.

(e) A certificate of occupancy shall not be issued until the final inspection shows that the project has been completed in accordance with the approved site plan.

(f) The final site plan and landscape plan shall be accompanied by a digital copy for permanent record.

(g) Maintenance of the property in conformance with the approved site plan shall thereafter be a condition of a valid certificate of

occupancy. Failure to maintain the property in conformance with an approved site plan shall be a violation of this chapter.

16. *Phasing plan.* To assist in process planning or site plans to be constructed in phases, the director of planning may request a phasing plan for the development, to ensure adequate site access, circulation, parking, sanitation containers, utilities, etc.

#### **18-F. Site Plan Approval Required for Multi-Family Development**

1. Site plan approval shall be required prior to the issuance of a building permit for the construction of any new structure or any addition to a structure that is intended to be used for any multi-family use and which construction affects the structure's size, shape, or volume.

2. All building permits must conform to an approved site plan.

3. Approval of a site plan by the City Council, after a recommendation by the Planning and Zoning Commission, shall be required when the site plan is in conjunction with a request for a specific use permit or for a planned development.

4. A public hearing shall not be required on a site plan application unless the site plan is submitted in conjunction with the submission and request for approval of a specific use permit or a planned development.

5. *Submission of site plan drawn to scale.* Prior to the issuance of any building permit, a site plan drawn to scale shall be submitted to the City Manager for initiation of the review and approval process through City Council and/or the Planning and Zoning Commission, as appropriate, along with the number of copies of the plan deemed necessary by the City to complete the required reviews or memorandums. The scale and number of copies shall be that deemed necessary by the City Manager. (Note: All references contained in this Section 18-F to the City Manager mean and include the City Manager's designee.)

6. *Features to be shown on site plans.* Site or development plans shall include the following information

(a) *General.* The following general information shall be included:

- (1) The Applicant's name, address, and telephone number and his legal interest in the property;
- (2) The owner's name and address and, if different than the applicant, the owner's signed consent to the filing of the application;
- (3) Street address (or common description) of the property;
- (4) The zoning classification and present use of the subject property;

- (5) The proposed use or uses and a general description for the proposed development;
- (6) A survey, certified by a registered professional land surveyor, showing existing and proposed property boundary lines with dimensions, easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property;
- (7) Maps showing the location, size, use and arrangements of all proposed buildings and computations showing height in stories and feet, total floor area, total square feet of ground area coverage of proposed and existing buildings which will remain, if any;
- (8) Location, dimensions and number of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles; sidewalks, walkways and pathways; refuse areas;
- (9) The location and size of existing and proposed electric, water and sewer utilities on and adjacent to the site and fire hydrant locations;
- (10) All existing and proposed surface and subsurface drainage facilities, including culverts, drains and detention ponds, showing the size and direction of flow;
- (11) Location, size and arrangement of all outdoor signs;
- (12) The location and direction/intensity, if required, of all outdoor lighting;
- (13) Architectural renderings or elevations of proposed structures;
- (14) Location, designation and total area of all open usable space;
- (15) A detailed landscaping plan meeting the provisions of this chapter;
- (16) The adjacent land uses and improvements within 200 feet of the subject property;
- (17) The location of hazardous chemical storage;
- (18) A scale shall be shown with the dimensions: as determined by the City Manager;
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- (20) The location and type of all existing and proposed screening;
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(b) *Screening of Mechanical Equipment.* Mechanical and heating and air conditioning equipment in multi-family uses shall be screened from view from the public right-of-way and from adjacent residential properties.

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- (h) The handicapped ramps (required at all intersections);
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(g) The existing and proposed fire lines, fire sprinkler connections, and appurtenances;

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(g) The existing and proposed culverts (use six-to-one sloped headwall); and

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12. *Additional information.* If, during the course of considering the site plan or landscape plan, the Planning and Zoning Commission is of the opinion that a proper recommendation or determination cannot be made without additional information, the Planning and Zoning Commission is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the additional information for the Planning and Zoning Commission's consideration.

13. *Expiration.* A site plan shall expire two years after its approval, if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Site plans submitted for a planned development or specific use permit shall not expire.

14. *Approval required.* A building permit shall not be issued prior to the approval of the site plan by the City Council, Planning and Zoning Commission and/or City Manager, as appropriate. No building permit shall be issued except in compliance with the approved site plan, including all conditions of approval.

15. *Inspections, revisions, and continued compliance.* During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed:

(a) In the event that changes to the approved site plan are proposed, the director of planning shall have the authority to require that a revised site plan be submitted to the city for review and approval;

(b) It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The City Manager shall have the authority to interpret conformance to an approved site plan; provided that such interpretations do not materially affect access, circulation, general building location on the site, or any

conditions specifically attached as part of a Planning and Zoning Commission or City Council approval. The City Manager shall only approve minor changes, which substantially conform to the approved site plan, and to all applicable city regulations, such as:

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- (4) Any changes that may negatively impact adjacent properties.

(d) If, in the judgment of the City Manager, the proposed revisions exceed staff's approval authority, the revised site plan shall be forwarded to the Planning and Zoning Commission for consideration according to the procedures for site plan approval. If proposed revisions to the site plan have not been approved by the City Manager within 30 days of their final submission, they shall be scheduled for consideration by the Planning and Zoning Commission upon request by the applicant.

(e) A certificate of occupancy shall not be issued until the final inspection shows that the project has been completed in accordance with the approved site plan.

(f) The final site plan and landscape plan shall be accompanied by a digital copy for permanent record.

(g) Maintenance of the property in conformance with the approved site plan shall thereafter be a condition of a valid certificate of occupancy. Failure to maintain the property in conformance with an approved site plan shall be a violation of this chapter.

16. *Phasing plan.* To assist in process planning or site plans to be constructed in phases, the director of planning may request a phasing plan for the development, to ensure adequate site access, circulation, parking, sanitation containers, utilities, etc.”

### **SECTION 3. Cumulative Repealer**

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. Provided however, that any complaint, action, claim or lawsuit which has been initiated shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

### **SECTION 4. Savings**

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which 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, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 5. Severability**

It is hereby declared to be the intention of the City Council of the City of Farmersville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by valid judgment or final decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

### **SECTION 6. Governmental Immunity**

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Farmersville in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

### **SECTION 7. Injunctions**

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Farmersville in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Farmersville.

### **SECTION 8. Engrossment and Enrollment**

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the

minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

**SECTION 9. Penalty**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Farmersville, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

**SECTION 10. Effective Date**

This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

**PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_** at a scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.**

**APPROVED:**

**BY: \_\_\_\_\_  
Joseph Helmberger, P.E., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Edie Sims, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Alan D. Lathrom, City Attorney**