

ORDINANCE NO. 10-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AMENDING CHAPTER 28 ZONING REGULATIONS, SECTION 5-2, SUPPLEMENTARY REGULATIONS, CONCERNING THE REGULATION OF CHECK CASHING BUSINESSES, PAYDAY ADVANCE/LOAN BUSINESSES, MONEY TRANSFER BUSINESSES, CAR TITLE LOAN BUSINESSES, OR OTHER SIMILAR BUSINESSES ENGAGED IN NON-TRADITIONAL SHORT-TERM LENDING, OTHERWISE KNOWN AS ALTERNATIVE FINANCIAL SERVICES; PROVIDING FOR A REPEALING CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER MARCH 19, 2010.

WHEREAS, there are currently 19 payday loan, cash-checking establishments, title loan agencies, and other similar businesses with locations primarily on or adjoining Wesley Street ; and

WHEREAS, these establishments are within a 2 ½ mile stretch along Wesley Street from Traders Road to Lee Street; and

WHEREAS, of particular concern is the clustering of these uses between Terrell Road and Joe Ramsey Boulevard along Wesley Street (2,000 foot distance) where seven (7) of these businesses are located; and

WHEREAS, as the current Zoning Ordinance does not define or regulate these businesses, City Staff wishes to create a new permitted use entitled “Alternative Financial Services” and regulate these establishments by allowing them only in Commercial, Highway Retail, General Retail, and Industrial zoning districts and requiring a minimum 1,000 foot spacing between each Alternative Financial Service establishment; and

WHEREAS, on February 15, 2010, the Planning and Zoning voted to recommend that the City Council approve the following amendments for Chapter 28 Zoning Regulations:

Section 2-2.1 General Definitions:

14: ALTERED or ALTERATION: Any change, modification, or transformation.

15: ALTERNATIVE FINANCIAL SERVICES: A check cashing business, payday advance or loan business, money transfer business, car title loan business, or any other similar businesses engaged in non-traditional short-term lending.

~~15~~**16: AMENDED SITE PLAN:** A site plan that is approved by the Community Development Director and that is based on minor changes to a previously approved site plan. See Section 8-3.

Section 4-1 Permitted Use Schedule:

USE TYPE	A	SF-E	SF-1	SF-2	SF-3	SF-4	PH	SFA	2F	MHP	MF-1	O	NS	GR	HR	C	CA	I-1	I-2	
BUSINESS AND PROFESSIONAL USES																				
Adult Entertainment Enterprise																			C	
Alternative Financial Services 															P	P	P		P	P
Amusements, Commercial (Indoor)															C	C	P	C	P	P

Section 5-2.25 Alternative Financial Services:

- A. A lot containing an alternative financial service shall be located at least 1,000 feet from any lot containing another alternative financial service, as measured in a straight line between the nearest points of one lot to the other lot.**

WHEREAS, the City Council believes the amendments to Chapter 28 Zoning Regulations, Section 5-2, Supplementary Regulations is consistent with the best interest of the citizens of Greenville;




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

SECTION 1: That the City Council hereby approved the following amendments to Chapter 28 Zoning Regulations, Section 5-2, Supplementary Regulations, concerning the regulation of check cashing businesses, payday advance/loan businesses, money transfer businesses, car title loan businesses, or other similar businesses engaged in non-traditional short-term lending, otherwise collectively known as Alternative Financial Services:

Section 2-2.1 General Definitions:

- 14: ALTERED or ALTERATION: Any change, modification, or transformation.
- 15: ALTERNATIVE FINANCIAL SERVICES: A check cashing business, payday advance or loan business, money transfer business, car title loan business, or any other similar businesses engaged in non-traditional short-term lending.
- 16: AMENDED SITE PLAN: A site plan that is approved by the Community Development Director and that is based on minor changes to a previously approved site plan. See Section 8-3.

Section 4-1 Permitted Use Schedule:

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BUSINESS AND PROFESSIONAL USES																				
Adult Entertainment Enterprise 																			C	
Alternative Financial Services 															P	P			P	P
Amusements, Commercial (Indoor) 														C	C	P	C	P	P	

Section 5-2.25 Alternative Financial Services:

- A. A lot containing an alternative financial service shall be located at least 1,000 feet from any lot containing another alternative financial service, as measured in a straight line between the nearest points of one lot to the other lot.
- B. The privilege to continue a nonconforming alternative financial service establishment shall cease and such use shall terminate whenever any of the following occur:
 - a. A certificate of occupancy for a change of owner, occupant, tenant, or business is issued.
 - b. The certificate of occupancy for the use is relinquished, canceled, or terminated in accordance with other applicable ordinances.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.

SECTION 4. A person who violates this Ordinance is guilty of a separate offense for each day or part of day the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 5. That if any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Greenville, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

SECTION 6. This Ordinance shall be in full force and effect from and after March 19, 2010.

PASSED AND APPROVED, this the 9th day of March, 2010.



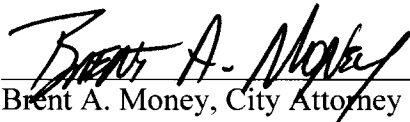
 Thomas B. Oliver, Mayor

ATTEST:



Debra Newell, City Secretary

APPROVED AS TO FORM:



Brent A. Money, City Attorney