

ORDINANCE NO. 2015-4740

[Z-FY-16-04]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO ORDINANCE NO. 2010-4413, UNIFIED DEVELOPMENT CODE, RELATED TO REGULATING CREDIT ACCESS BUSINESSES AND ARTICLE 5 AND 11; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Credit Access Businesses (“CAB”), which are defined by Chapter 393 of the Texas Finance Code, are commonly referred to as “payday lenders;”

**Whereas**, at its November 2, 2015 meeting, the Planning and Zoning Commission voted to amend Article 5 and Article 11 of the Unified Development Code - the recommended changes are as follows:

- **ARTICLE 5: USE STANDARDS:** The amendment will include Credit Access Business as a specific use, which currently does not exist.
- **ARTICLE 5, SECTION 5.3.26 – Credit Access Businesses (Specific Use Standards):** A credit access business (commonly referred to as a “payday lender”) may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards:
  - a credit access business may not be located:
    - Within 1000 feet of another credit access business; or
    - Within 200 feet of a residentially-zoned property (property located within a UE, SF-1, SF-2, SF-3, SFA-1, SFA-2, SFA-3, TH, 2F, MF-1, MF-2 or MF-3 zoning district);
  - for purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line;
  - a credit access business may not be located on property abutting a Major Arterial road or an Expressway, as identified on the Thoroughfare Plan.
- **ARTICLE 11: DEFINITIONS –** Article 11 has been amended to add a definition for Credit Access Business (“CAB”) to match the language in the Texas Finance Code Chapter 393.221.
  - *Credit Access Business. Means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan; and*

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve this action.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council approves amendments to Ordinance No. 2010-4413, the "Unified Development Code," by amending Article 5 and Article 11 as set forth in Exhibits A and B, attached hereto and incorporated herein for all purposes.

**Part 2:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 3<sup>rd</sup> day of December, 2015.

PASSED AND APPROVED on Second Reading on the 17<sup>th</sup> day of December, 2015.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, MAYOR

APPROVED AS TO FORM:



Kayla Landeros  
City Attorney

ATTEST:



Lacy Borgeson  
City Secretary



Article 5: Use Standards  
Sec. 5.1. Use Table

P = Permitted by Right L = Permitted by Right Subject to Limitations  
[blank cell] = Prohibited C = Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	ZF	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CS	LI	HI	Standards
Rodeo grounds	C																	P	P	P	P	
Roller or Ice Rink	C																P	P	P	P	P	
Sexually oriented business																						Ordinance No. 99-2633
Shooting range (outdoor)	C																					5.3.16
Swimming pool, commercial	C																C	P	P	P	P	
Theater or playhouse (indoor)															P	P	P	P	P	P	P	
Theater or playhouse (open or drive-in)																						
Zoo	P																C	C	C	P	P	
<b>RESTAURANT USES</b>																						
Restaurant (not drive-in)															P	P	P	P	P	P	P	
Restaurant (drive-in)															P		P	P	P	P	P	
<b>RETAIL SALES AND SERVICE USES</b>																						
Alcohol beverage sales, off-premise consumption, beer and wine store																C	P	P	P	P	P	
Alcohol beverage sales, off-premise consumption, package store																	C	C	C	C	C	5.3.17
Antique shop															P	P	P	P	P	P	P	
Art supply store															P	P	P	P	P	P	P	
Bakery or confectionary shop (retail)															P	P	P	P	P	P	P	
Bank or savings and loan																						
Barber shop or beauty shop															P	P	P	P	P	P	P	
Credit Access Business															P	P	P	P	P	P	P	
Cleaning, pressing and pick up shop															P	P	P	P	P	P	P	5.3.26
Cleaning plant (commercial)															L	L	L	L	L	L	L	5.3.18
Discount or department store																						
Drug store or pharmacy																						

#### **5.3.24 Wrecking or Salvage Yard**

A wrecking or salvage yard may be permitted in accordance with the use table in Sec. 5.1 provided that the buying and receiving area is set back a minimum of 50 feet from the public street right-of-way.

#### **5.3.25 Kiosk**

A kiosk is permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. All of the Dimensional and General Development Standards in Article 4 and Article 7 of this UDC apply to a kiosk as if it were the principal use of the property.
- B. Drive-through kiosks must provide 3, 8-ft by 22-ft. queuing spaces per kiosk service window.
- C. Wall signs on the wall of a kiosk itself are the only sign type allowed for advertising the services of the kiosk. Wall signs on a kiosk are limited to a maximum of 25 percent of the surface area of each wall. Wall signs are permitted only on the sides of a kiosk that are visible from the public right-of-way.
- D. Pedestrian access to the kiosk use must be included from all pedestrian facilities, including but not limited to sidewalks.

Parking that serves as required parking for another use must not be used for either placement of the kiosk or for parking or vehicle maneuvering required by the kiosk unless additional parking exists for the adjacent use and a shared parking agreement is agreed upon by both property owners and submitted with the building permit application.

#### **5.3.26 Credit Access Business (see Sec. 11.2 for definition)**

A credit access business (commonly referred to as a "payday lender") may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. A credit access business may not be located closer than:
  1. Within 1000 feet of another credit access business; or
  2. Within 200 feet of a residentially-zoned property (located within the UE, SF-1, SF-2, SF-3, SFA-1, SFA-2, SFA-3, TH, 2F, MF-1, MF-2 or MF-3 zoning districts).
- B. For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- C. A credit access business may not be located on property abutting a Major Arterial or an Expressway, as identified on the Thoroughfare Plan.



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**Article 11: Definitions**

Sec. 11.2 Defined Terms

**Comprehensive Plan.** The comprehensive plan of the City and adjoining areas adopted by the Planning and Zoning Commission and approved by the City Council, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements, to include detailed plans for water, sewer, and other public services.

**Conditional Use.** A use permitted in a particular zoning district only upon showing that such use in a specified location will be compatible and can comply with all the conditions and standards for the location or operation of such a use as specified in this UDC.

**Condominium.** A building or group of buildings in which units are owned individually, while the structure and common areas and facilities are owned by all the owners on a proportional, individual basis.

**Configuration.** The form of a building, based on its massing, private frontage and height. [Ord. 2010-4415]

**Copy.** Letters, characters, illustrations, logos, graphics, symbols or writing designed to communicate information of any kind, to advertise or identify the purpose of a person or entity, to identify or advertise a business or to advertise the sale or lease of a premise.

**Correctional Facility.** A penal facility including buildings and structures that are inhabited by 6 or more persons who are under restraint or security and are generally incapable of self-preservation due to security measures not under the occupants' control. This definition includes, but is not limited to prisons, jails, reformatories, detention centers, correction centers, and prerelease centers.

**Country Club.** An area containing a golf course and a clubhouse and available only to private specific membership, such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

**Credit Access Business.** Means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan.

**Cul-de-Sac.** A local street with only one street outlet and having an appropriate terminal for the same and convenient reversal of traffic movement.

**Curb Line.** An imaginary line drawn along the outermost part or back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

**Dance Hall or Nightclub.** An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the City.

**Day Camp.** A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

**Density:** The number of dwelling units within a standard measure of land area. [Ord. 2010-4415]

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**Temple, Texas Unified Development Code**

Effective 12/16/10 • Last Amended 04/16/15