



# TOWN OF FAIRVIEW, TEXAS

## Agenda

### Town Council Joint Meeting with the Planning & Zoning Commission and the Zoning Board of Adjustment

---

June 4, 2026

7:00 PM

Profound Foods Fairview  
163 Fountain Court  
Fairview, Texas

---

1. **Call to Order - Town Council**
2. **Call to Order - Planning & Zoning Commission**
3. **Call to Order - Zoning Board of Adjustment (if a quorum is present)**

4. **Citizen's Comment (for Non-Public Hearing Items)**

*At this time, any person may address the Council, Commission, and Board regarding an item on this meeting agenda or on matters not on this meeting agenda. Each person will have up to five (5) minutes. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.*

*Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Town Council, Commission, or Board for items listed as Public Hearings will be recognized when the Public Hearing is opened.*

*No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.*

5. **Action/Discussion Items**

- a. Discuss and Consider certain text amendments to the Comprehensive Zoning Ordinance regarding day care, schools and religious assembly uses in residential zoning districts
- b. Consider, discuss, and take public input regarding certain text amendments to the Comprehensive Zoning Ordinance regarding day care, schools and religious assembly uses in residential zoning districts

## 6. Adjourn

NOTE: If the Zoning Board of Adjustment (ZBA) does not have at least a quorum of its members present for the joint meeting then the joint meeting between the Town Council and the Planning and Zoning Commission will continue without the participation of any ZBA members and this will have no effect on the joint meeting, proceedings, decisions, actions or any other matters relating to the joint meeting.

I, Joshua Stevenson, Town Secretary, hereby certify that this notice was posted in accordance with Texas Government Code, Chapter 551, on or before the 29th day of May 2026 at 6:00 p.m.

---

Joshua Stevenson, Town Secretary

### NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

Profound Foods Fairview is wheelchair accessible. Access to the building and special parking is available at the primary entrance into the building. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the Town Secretary's office at least 48-hours prior to the meeting. Please e-mail your request to [townsecretary@fairviewtexas.org](mailto:townsecretary@fairviewtexas.org) or call at 972-886-4234. BRAILLE IS NOT AVAILABLE.

Median-valued Fairview homestead property per CCAD = \$939,198

- Current fiscal year property tax bill = \$2,914.15
- Estimated tax bill if proposed budget adopted = \$2,974.05
- Estimated tax bill under balanced budget funded at NNR tax rate = \$2,794.13



## *Memorandum*

### *May 29, 2026*

---

**FROM:** Town Administration

**SUBJECT:** Draft zoning ordinance amendments related to certain conditional use permits allowed in residential areas

The Town Council has had numerous discussions regarding changes to the zoning regulations related to religious assembly uses and day care/childcare uses in residential areas. The Planning and Zoning Commission (Commission) has also been involved in considering changes to the day care/childcare uses in residential areas.

The Town Council elected to conduct joint meetings with the Commission and the Board of Adjustment (BOA) to move these changes forward. The first meeting of the group was held May 19.

The second meeting is scheduled for June 4 at 7:00. This meeting is also a work session to continue to review and discuss the draft changes and to also hear from the public about the proposed changes. The third meeting is scheduled for June 11 at 7:00. This meeting will be posted as a public hearing to consider approving the ordinance enacting the changes.

Below is a discussion of the changes discussed during the first joint meeting and the changes that are included in the new draft. The sections that have been amended are highlighted. The amended ordinance is also attached in a edited form so that the changes are noted.

#### **Section 1. Findings.**

The Town Attorney has added some additional language to the ordinance that clarifies the Town's intent with the ordinance. These statements would provide context to future decisions under this ordinance:

#### **Section 2. Amendment to Section 14.02.010.**

**(a)** this section of the zoning ordinance outlines specific requirements for religious assembly uses, accessory day care/childcare uses, and schools.

## **(b) Religious assembly uses**

**Section (b) (1)** – this section focuses on religious assembly uses in residential areas as outlined and the need for a conditional use permit (CUP). No changes from the first draft.

**Section (b) (2)** - this provision addressed the size of a lot. This section has been incorporated into the following section to address both lot/tract size and building size.

**Section (b) (3)** – there was significant discussion about lot/tract size and building size with specific concern about a religious assembly use that might locate in a residential area with access from a two lane residential roadway.

We have amended this section to both respond to this concern and to also address what may be allowed on a state road or a four lane town road. All of our existing eight religious assembly uses in residential areas are located on state roads and two of them do take primary or secondary access from a road other than a state road or a four lane town road. It is important that we consider current conditions as we draft conditions moving forward.

As drafted, if a religious assembly use were to take access on any road that is not a state facility or a four lane town road, the minimum lot/tract size would be four acres and that size would permit a primary assembly building not exceeding 5,000 square feet of gross floor area. The size of the lot/tract would increase by 1 additional acre with any primary religious assembly building that increases in size by an additional 5,000 square feet or increment thereof up to a maximum of 10,000 square feet.

If a religious assembly use were to take access on a state roadway or a four-lane town road, the proposed minimum lot/tract size would be four acres and that size would permit a primary assembly building not exceeding 10,000 square feet of gross floor area. The size of the lot/tract would increase by 1 additional acre with any primary religious assembly building that increases in size by an additional 10,000 square feet or increment thereof up to a maximum of 25,000 square feet.

We currently have religious assembly uses that take access on a state roadway or a four-lane town road that range in size from approximately 3 acres to 16 acres. The average primary religious building size is approximately 25,000 square feet with sizes ranging from 6,000 square feet to almost 42,000 square feet.

**Section (b) (3)** – this section outlines minimum front, side and rear setbacks – 50 feet in all directions. Accessory structures would have a side and rear setback of 35 feet. There was no concern expressed on proposed setbacks.

**Section (b) (4)** – this section outlines the maximum height for a primary religious use building. We had proposed 42 feet as a maximum building height. There was discussion about reducing

that to the current approved building height in residential areas of 35 feet. The maximum height of appurtenances not intended for human occupancy was proposed to have a maximum height of 26 feet for a total height of 68 feet. There was discussion about lowering that height to 15 feet for a total of 50 feet. We added language that the Council would consider if there was consideration of a taller building in addition to the other provisions included in the ordinance.

If the site is adjacent to residential one additional foot of front, side and rear setbacks would be required for each foot of combined height over 42 feet. The maximum height of an accessory building or structure would be set at thirty-five (35') feet. None of this has changed.

**Section (b) (5)** – this section sets out off-street parking requirements and that there shall be a thirty-five (35') foot front yard exclusive of parking. There were no changes to this section.

**Section (b) (6)** –this maintains the current restriction for temporary buildings or vehicles on site. Language was added to address temporary or offsite parking.

**Section (b) (7)** – this maintains the current requirement for a landscape buffer next to residential zones. There were no changes to this section.

**Section (b) (8)** – this section contains the provision that existing religious assembly uses are approved and do not fall under the nonconforming section of the ordinance. There were no changes to this section.

**(c) Accessory daycare/childcare uses** – this section outlines the requirements that would have to be met for an accessory day care/childcare use as an accessory to a religious assembly use. There was discussion in regard to maintaining this use as a CUP in residential areas. There was no determination on the item, it was noted that it would be discussed at the next meeting. There were no changes discussed regarding the proposed section other than clarifying the days of the week such a use would be permitted. That is noted in Section (c) (5) below.

**Section (c) (1)** - This section provides that they would only be allowed as an accessory to a religious assembly use in the designated districts with a CUP in accordance with the article. Language was added to provide that such accessory uses would only be considered if the primary religious building fronts on and takes primary access from a state roadway or a 4-lane town roadway. This section also provides that such a use would not be permitted in a single-family dwelling or an accessory building to a single-family use.

**Section (c)(2)** - a traffic impact analysis is required as a part of the application for a CUP based on the Town Engineer's determination.

**Section (c)(3)** - outlines that such a use is subordinate and incidental to the primary use.

**Section (c)(4)** - outlines the responsibility of the permit holder for compliance with the CUP.

**Section (c)(5)** – outlines the operational requirements for such a use with the following limits: the hours of operation would be limited from 6:30 AM to 6:30 PM, no outdoor activity allowed until 7:00AM, the maximum enrollment would be limited to 100 children, and no overnight stays or lodging would be permitted. The days of the week were limited to Monday through Friday.

**Section (c)(6)** – the gross area of the accessory use is limited in area to either 20% of the primary religious assembly building or 3,500 square feet, whichever is less.

**Section (c) (7)** – sets out the review process for outdoor play areas, parking, and traffic circulation matters for such uses.

**Section (c) (8)** – Provides for licensing and compliance with local and state law for such uses.

**Section (c) (9)** – Sets out requirements for ensuring such use does not become an independent principal use.

**Section (c) (10)** – identifies material changes that could result in a determination the use ceases to serve as an accessory use.

**(d) School uses – (d) (1)** this section restates the location requirements for schools in residential areas.

**Section (d) (2)** – this section established a minimum of two (2) acres for such use. It has been increased to 4 acres to be consistent with the change to the religious assembly uses. The two public schools are significantly larger. The Nature School is located on 3.5 acres.

**Section (d) (3)** - this provision required that if the school building exceeds 10,000 square feet, the site must increase by 2 acres for any additional 10,000 square feet or increment thereof. It has been reduced to 1acre to be consistent with the change to the religious assembly uses. This section also establishes a maximum size of the primary religious assembly building at 25,000 square feet, unless approved by the town council after consideration of the impact of the proposed use, again, to be consistent with the changes in the religious assembly uses. There was a question about the size of the Nature School. It is planned to be approximately 14,800 square feet.

**Section (d) (4)** – this section addresses the maximum height of school buildings at 35 feet outlines the process by which they might be increased by the town council through the CUP process.

**Section (d) (5) – (7)** - these sections outline the setbacks for schools at fifty (50'). Accessory structures could be approved with a side and rear setback of 35 feet.

**Section (d) (8)** - this section sets out off-street parking requirements and that there shall be a thirty-five (35') foot front yard exclusive of parking

**Section (d) (9)** – the use of temporary buildings is addressed in this section.

**Section (d) (10)** – the requirement for a landscape buffer adjacent to residential property is addressed in this section.

**Section (d) (11)** - this section contains the provision that existing school uses are approved and do not fall under the nonconforming section of the ordinance.

### **Section 3. Amendment to Section 14.02.020**

**14.02.020 Definitions** - this section provides for a definition for an accessory day care use, a primary religious assembly building, and a religious assembly use. No changes were made to the section.

**Section 4. Amendment to Section 14.02.511** – this section outlines the requirements for a CUP generally, not generally limited to one particular use.

14.02.511 standards for review and administration. A number of provisions were added by the Town Attorney to express intent in considering such applications.

**Section 5. Amendment to section 14.02.514 Use Regulations** – this section amends the current listed CUP uses for religious assembly and for accessory daycare/childcare uses.

**Section 6. Amendment to Section 14.02.515 application for a conditional use permit** – this section sets out the current requirements for a CUP application. This provision includes four (4) additional requirements (11 – 14) that must be met with the submission of CUP application.

**Subsection 11** – this section outlines additional information that must be submitted for an accessory day care/childcare use to a religious assembly use or a school.

**Subsection 12** – this section provides that a CUP application must include a traffic impact analysis.

**Subsection 13** – this section provides that a CUP application must include information that involves material noise producing elements along with a noise impact statement or noise management plan.

**Subsection 14** – this section provides that the town council may require additional data, information or materials if deemed necessary by the town council. The council may also omit data if not determined material.

**Section 7. Amendment to Section 14.02.517** Special factors for consideration for a conditional use permit. – this section contains our current factors that are to be used in considering CUPs with the expansion of Section (4). This section is new and outlines the consideration that the Council and P&Z would use to evaluate the noise and lighting that may be proposed for a CUP. Language was added to the lighting section to include consideration of impacts to environmental conditions.

Staff will be ready to review the draft at the joint meeting next week.

**TOWN OF FAIRVIEW, TEXAS**

**ORDINANCE NO. 2026-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING CHAPTER 14, “ZONING,” ARTICLE 14.02, “ZONING ORDINANCE,” OF THE CODE OF ORDINANCES, TOWN OF FAIRVIEW, TEXAS, BY AMENDING SECTION 14.02.010, “CHURCHES, SCHOOLS AND FRATERNAL LODGES,” TO BE RETITLED “RELIGIOUS ASSEMBLY USES, ACCESSORY DAY CARE/CHILD CARE USES, AND SCHOOLS” AND TO PROVIDE REGULATIONS FOR RELIGIOUS ASSEMBLY USES, ACCESSORY DAY CARE/CHILD CARE USES, AND SCHOOLS; AMENDING SECTION 14.02.020, “DEFINITIONS”; AMENDING SECTION 14.02.~~511~~, “DISTRICT A SPECIFIC ZONING CLASSIFICATION”; AMENDING SECTION 14.02.514, “USE REGULATIONS”; AMENDING SECTION 14.02.515, “APPLICATION FOR CONDITIONAL USE PERMIT ZONING”; AMENDING SECTION 14.02.517, “SPECIAL FACTORS FOR CONSIDERATION”; PROVIDING A PENALTY; PROVIDING ~~REPEALING REPEALER~~, SEVERABILITY, SAVINGS, PUBLICATION, AND EFFECTIVE DATE ~~CLAUSES~~; ~~AND PROVIDING FOR AN EFFECTIVE DATE~~CLAUSE.**

**WHEREAS**, the Town of Fairview, Texas (the “Town”) is authorized under its Charter and the laws of the State of Texas, including Chapter 211 of the Texas Local Government Code, to adopt zoning regulations and to amend its zoning regulations after notice, public hearing, and consideration of the public health, safety, morals, and general welfare; and

**WHEREAS**, the Town Council has determined that amendments to the Town’s zoning regulations concerning religious assembly uses, accessory day care/child care uses associated with religious assembly uses, schools, conditional use permit application requirements, and conditional use permit review factors are necessary and appropriate to promote compatible development and to protect neighboring property; and

**WHEREAS**, the Town Council intends that the regulations adopted by this ordinance be applied in a neutral and generally applicable manner and, where applicable, in a manner consistent with the First Amendment to the United States Constitution, the Religious Land Use and Institutionalized Persons Act, the Texas Religious Freedom Restoration Act, and other applicable law; and

**WHEREAS**, the Town Council has determined that content-neutral standards relating to traffic, parking, buffering, building size, building height, noise-producing elements, lighting, public safety, and compatibility with neighboring property are appropriate factors for the review of conditional use permit applications; and

**WHEREAS**, the Town Council recognizes that religious exercise may include the use, construction, expansion, conversion, and operation of land and buildings for religious worship, prayer, teaching, fellowship, religious education, ministry, administration, child care, schools, and other activities substantially motivated by sincere religious belief; and

WHEREAS, the Town Council intends that this ordinance be construed and applied in a manner that does not impose a substantial burden on religious exercise, does not treat a religious assembly or institution on less than equal terms with a comparable nonreligious assembly or institution, does not discriminate among religions or religious denominations, and does not unreasonably limit religious assemblies, institutions, or structures within the Town; and

WHEREAS, the standards adopted by this ordinance are intended to address objective land-use impacts, including traffic, roadway capacity, ingress and egress, emergency access, parking, buffering, building scale, building placement, drainage, lighting, noise, sanitation, public health, public safety, and compatibility with neighboring property, and are not intended to regulate religious doctrine, worship content, religious speech, religious identity, religious denomination, or the religious or secular character of any applicant; and

WHEREAS, the Town Council intends that numerical standards relating to lot or tract size, building size, height, access, parking, buffering, operational characteristics, and accessory uses be administered as impact-based standards subject to individualized consideration, record-supported modifications, and reasonable conditions where necessary to avoid imposing a substantial burden on religious exercise or treating religious assemblies less favorably than comparable nonreligious assemblies or institutions; and

WHEREAS, the Town Council finds that, where potential land-use impacts can be adequately mitigated through reasonable, content-neutral, and objective conditions, such conditions are preferred over denial or over the imposition of more restrictive requirements than are necessary to address the identified impacts; and

WHEREAS, the Town Council intends that child care, schools, religious education, fellowship, ministry, use of animals, sound-producing activities, lighting, and other accessory or related activities be reviewed based on their objective land-use, public health, safety, nuisance, sanitation, traffic, and compatibility impacts, and not based on whether such activities are religious or secular in character; and

WHEREAS, the Town Council intends that each conditional use permit decision under this ordinance be supported by competent evidence in the record and written findings identifying the specific land-use impacts considered, any conditions imposed to address those impacts, and the reasons any requested modification, condition, or denial is consistent with applicable federal and state law; and

WHEREAS, the Planning and Zoning Commission and the Town Council, after giving all notices required by law and conducting public hearings as required by law, have considered the proposed amendments; and

WHEREAS, the Town Council finds that this ordinance is in the best interest of the Town and its citizens and promotes the public health, safety, morals, and general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:**

## **Section 1. Findings.**

The findings set forth in the recitals of this ordinance are found to be true and correct and are incorporated as findings of the Town Council as if fully set forth herein.

## **Section 2. Amendment to Section 14.02.010.**

Section 14.02.010, “Churches, schools and fraternal lodges,” of Chapter 14, “Zoning,” Article 14.02, “Zoning Ordinance,” Division 1, “Generally,” of the Code of Ordinances, Town of Fairview, Texas, is hereby amended by retitling the section and by repealing and replacing the section in its entirety to read as follows:

### **Sec. 14.02.010. Religious assembly uses, accessory day care/child care uses, and schools.**

#### **(a) Applicability.**

This section applies only to an application for the location of a religious assembly use, accessory day care/child care use, or school in a PC, RE-1, RE-1.5, RE-2, or RE-3 zoning district. For land use regulations within the Commercial Planned Development District (CPDD), refer to Ordinance 2014-9-11B, as amended.

#### **(b) Religious assembly uses.**

(1) Religious assembly uses may be permitted in any PC, RE-1, RE-1.5, RE-2, or RE-3 zoning district only upon approval of a conditional use permit in accordance with Division 11 of this article.

(2)

(3) Except as otherwise expressly approved by the Town Council through a conditional use permit upon findings supported by the record, the following regulations on lot ~~or~~ tract size and building size shall apply:

(A) If the primary religious assembly building in a residential district fronts on and takes primary access from a state roadway such as HWY 5, County Club Rd (FM 1378), and Stacy Road (FM 2786) or on a local roadway maintained by the town that is a minimum of four (4) travel lanes thus providing higher traffic capacity than a two-lane residential roadway, the use shall be located on a lot or tract of not less than four (4) acres. If such a primary religious assembly building exceeds ten thousand (10,000) square feet of gross floor area, the minimum lot or tract size shall increase by one (1) acres for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof. The maximum floor area of the primary religious assembly building shall not exceed twenty-five thousand (25,000) square feet, unless a larger building is approved by the Town Council under this subsection.

(B) If the primary religious assembly building in a residential district fronts on or takes primary access from any other roadway, the use shall be located on a lot or tract of not less than four(4) acres. If the primary religious assembly building exceeds five thousand (5,000) square feet of gross floor area, the minimum lot or tract size shall increase by one (1) acre for

each additional five thousand (5,000) square feet of gross floor area or fraction thereof. The maximum floor area of the primary religious assembly building shall not exceed ten thousand (10,000) square feet, unless a larger building is approved by the Town Council under this subsection.

~~-(C)~~ In determining whether to approve a larger modification to the lot, tract, or building-size standards in this subsection, the Town Council may consider lot size, setback or tract size, roadway classification and capacity, setbacks, building orientation, traffic, parking, buffering, noise, lighting, drainage, public safety, compatibility with neighboring property, and proposed mitigation measures.

(43) All buildings associated with a religious assembly use in a residential district shall meet the following minimum setbacks from the property lines:

(A) The front setback shall be a minimum of fifty (50) feet from the front property line or the closest edge of a road easement line, whichever is greater. The front setback shall include a thirty-five (35) foot landscape buffer. If the tract includes multiple road frontages, these requirements shall apply to each frontage.

(B) The side setbacks for the primary religious assembly building shall be a minimum of fifty (50) feet from the side property lines. Accessory buildings and accessory structures may be approved with a minimum side setback of thirty-five (35) feet as part of the conditional use permit.

(C) The rear setback for the primary religious assembly building shall be a minimum of fifty (50) feet from the rear property line. Accessory buildings and accessory structures may be approved with a minimum rear setback of thirty-five (35) feet as part of the conditional use permit.

~~(54)~~ Except as otherwise expressly approved by the Town Council through a conditional use permit upon findings supported by the record, in any district where the maximum building or structure height otherwise does not exceed thirty-five (35) feet or two (2) stories, whichever is less, the maximum height of the primary religious assembly building ~~may be~~ shall not exceed thirty-five forty-two (35-42) feet. Appurtenances, including spires, domes, belfries, steeples, cupolas, and ornamental towers not intended for human occupancy, may exceed thirty-five (35) feet by not more than ~~fifteen-twenty-six (15-26)~~ feet, for a combined maximum height of ~~fifty sixty-eight (50-68)~~ feet. Where such appurtenances are adjacent to residentially zoned property, one (1) additional foot shall be added to the otherwise required front, side, and rear yard setbacks for each one (1) foot of height exceeding ~~thirty-five forty-two (35-42)~~ feet. The maximum height of any accessory building or structure shall be thirty-five (35) feet. ~~In determining whether to approve a taller building or appurtenance, the Town Council may consider lot size, setback, building orientation, traffic, parking, buffering, noise, lighting, drainage, public safety, perimeter road capacity, compatibility with neighboring property, and proposed mitigation measures. In determining whether to approve a taller building or appurtenance, the Town Council may consider lot size, setback, building orientation, traffic, parking, buffering, noise, lighting,~~

drainage, public safety, perimeter road capacity, compatibility with neighboring property, and proposed mitigation measures.

~~(6)~~(5) Parking shall be provided off-street in accordance with Section 14.02.015(b), unless more specific parking requirements are imposed by the ordinance approving the conditional use permit. All off-street parking shall be paved and constructed to meet Town parking standards. Where parking areas are designated on the tract, there shall be a front yard having a minimum depth of not less than thirty-five (35) feet, exclusive of parking spaces. Entrances and exits to the parking areas shall be designed to promote safe ingress and egress and, where practicable, shall be at right angles to any street or thoroughfare.

(76) Unless expressly permitted ~~in a by the ordinance approving the~~ conditional use permit ~~the following additional parking requirements are as follows:~~, the permanent parking or placement of mobile homes, trailer houses, campers, recreational vehicles, or other temporary buildings on the site is prohibited. For purposes of this subsection, permanent parking or placement means any time in excess of seventy-two (72) hours, except as may be expressly authorized by the Town for construction, emergency, or temporary special event purposes. ~~Additionally, off-site, temporary, or overflow parking used to satisfy required parking or to serve the use is prohibited unless specifically approved as part of the conditional use permit.~~

(87) If a religious assembly use or any building associated with a religious assembly use abuts a residentially zoned property, a landscape buffer as referenced in Sections 14.02.012 and 14.02.013 shall be installed and maintained, unless a different or additional buffer is approved as part of the conditional use permit.

(98) Notwithstanding any other provision of this code, Section 14.02.520 shall apply to all religious assembly uses that have a previously approved conditional use permit. Such uses shall be considered conforming uses and shall not be subject to Section 14.02.006 or any other provision that would apply to a nonconforming use solely because of the adoption of this section.

**(c) Accessory day care/child care uses.**

(1) An accessory day care/child care facility may be permitted as an accessory to a religious assembly use in a PC, RE-1, RE-1.5, RE-2, or RE-3 zoning district where the primary religious assembly building fronts on and takes primary access from a state roadway such as HWY 5, County Club Rd (FM 1378), and Stacy Road (FM 2786) or on a local roadway maintained by the town that is a minimum of four (4) travel lanes thus providing higher traffic capacity than a two-lane residential roadway upon approval of a conditional use permit in accordance with Division 11 of this article. An accessory day care/child care facility shall not be permitted in a single-family dwelling, residence, or other living quarters or in an accessory structure to any such building.

- (2) A traffic impact analysis shall be required as part of a conditional use permit application for an accessory day care/child care use, unless the Town Engineer determines in writing that a lesser traffic analysis is sufficient based on the proposed capacity, hours, location, access, trip generation, and surrounding street network.
- (3) The accessory day care/child care use shall remain subordinate and incidental to the approved religious assembly use and shall be operated in a manner that does not convert the property, in whole or in part, into an independent principal day care/child care use. The collection of tuition, fees, or other charges; the employment of paid staff; or the use of contractors, licensees, or third-party service providers does not, by itself, cause the use to become an independent principal use.
- (4) The holder of the conditional use permit for the religious assembly use shall retain responsibility for compliance with the conditional use permit, this section, and all applicable zoning, building, fire, health, safety, and licensing requirements. The accessory day care/child care use may be staffed, managed, administered, or operated in whole or in part through employees, contractors, licensees, or third-party providers, provided that the use remains under the authority and accountability of the conditional use permit holder and remains accessory to the religious assembly use.
- (5) Unless specifically modified by the ordinance approving the conditional use permit upon findings supported by the record, an accessory day care/child care use shall comply with the following standards:
  - (A) Operating hours shall be limited to 6:30 a.m. to 6:30 p.m., [Monday through Friday](#) and outdoor activities shall not begin before 7:00 a.m.;
  - (B) The maximum enrollment shall be limited to one hundred (100) children; and
  - (C) Overnight lodging, overnight stays, and twenty-four (24) hour care are prohibited.
- (6) The gross floor area devoted to the accessory day care/child care use shall not exceed the lesser of: (i) twenty percent (20%) of the gross floor area of the primary religious assembly building; or (ii) three thousand five hundred (3,500) square feet. For purposes of this subsection, gross floor area devoted to the accessory day care/child care use includes classrooms, nap rooms, indoor play areas, offices, storage areas, restrooms, and other indoor areas primarily used for the day care/child care use, but does not include common lobbies, shared corridors, shared restrooms, shared kitchens, fellowship halls, sanctuaries, auditoriums, or other common areas that are only incidentally used by the day care/child care use unless the conditional use permit provides otherwise.
- (7) Outdoor play areas, drop-off areas, pick-up areas, parking areas, and pedestrian routes shall be shown on the site plan and may be subject to conditions relating to location, screening, fencing, buffering, hours, supervision, traffic circulation, and noise mitigation.
- (8) The use shall comply with all applicable state licensing, registration, inspection, health, safety, fire, and building requirements. Compliance with state licensing requirements does not

independently authorize the use unless the conditional use permit and zoning requirements are also satisfied.

- (9) The use shall not be advertised, signed, leased, operated, or held out in a manner that causes it to function as an independent principal day care/child care use rather than an accessory use to the approved religious assembly use. In determining whether the use remains accessory, the Town may consider the relative floor area, capacity, hours, traffic generation, parking demand, signage, exterior appearance, operational integration with the religious assembly use, lease or management arrangements, and other objective land-use characteristics shown by the record.
- (10) A material change to the approved accessory day care/child care use, including an increase in authorized child capacity, an increase in gross floor area, a material change in hours, a material change to traffic circulation, a material change in outdoor activity areas, or a material change causing the use to function as an independent principal use, shall require amendment of the conditional use permit unless the Director determines in writing that the change is minor and consistent with the approved conditional use permit.

**(d) School uses.**

- (1) Schools, including schools that are public, private, or denominational, may be permitted in any PC, RE-1, RE-1.5, RE-2, or RE-3 zoning district only upon approval of a conditional use permit in accordance with Division 11 of this article.
- (2) A school shall be located on a tract of not less than four ~~two~~ (2 ~~4~~) acres.
- (3) If a school in a residential district exceeds ten thousand (10,000) square feet of gross floor area, the minimum lot size shall increase by one ~~two~~ (1 ~~2~~) acre for each additional ten thousand (10,000) square feet or fraction thereof. Except as otherwise expressly approved by the Town Council through a conditional use permit upon findings supported by the record, the maximum gross floor area of the school in a residential district shall not exceed ~~thirtytwo~~ thirty-five thousand (~~30,000~~ 25,000) square feet. In determining whether to approve a larger building, the Town Council may consider lot size, setback, building orientation, traffic, parking, buffering, noise, lighting, drainage, public safety, compatibility with neighboring property, and proposed mitigation measures.
- (4) In any district where the maximum building or structure height otherwise does not exceed thirty-five (35) feet or two (2) stories, whichever is less, the maximum building height for a school shall not exceed thirty-five (35) feet. Except as otherwise expressly permitted in a conditional use permit upon findings supported by the record, the maximum building height set forth in this paragraph shall apply. In determining whether to approve a maximum height in excess of the maximum height set forth in this paragraph, the Town Council may consider lot size, setback, building orientation, traffic, parking, buffering, noise, lighting, drainage, public safety, compatibility with neighboring property, and proposed mitigation measures.
- (5) Front setbacks shall be a minimum of fifty (50) feet from the front property line or the closest edge of a road easement line, whichever is greater, and shall include a thirty-five (35) foot

landscape buffer. If the tract includes multiple road frontages, these requirements shall apply to each road frontage.

- (6) Side setbacks shall be a minimum of fifty (50) feet from the side property lines. Accessory buildings and accessory structures may be approved with a minimum side setback of thirty-five (35) feet as part of the conditional use permit.
- (7) Rear setbacks shall be a minimum of fifty (50) feet from the rear property line. Accessory buildings and accessory structures may be approved with a minimum rear setback of thirty-five (35) feet as part of the conditional use permit.
- (8) Parking shall be provided off-street in accordance with Section 14.02.015(b), unless more specific parking requirements are imposed by the ordinance approving the conditional use permit. All off-street parking shall be paved and constructed to meet Town parking standards. Where parking areas are designated on the tract, there shall be a front yard having a minimum depth of not less than thirty-five (35) feet, exclusive of parking spaces. Entrances and exits to the parking areas shall be designed to promote safe ingress and egress and, where practicable, shall be at right angles to any street or thoroughfare.
- (9) Unless expressly permitted in a conditional use permit, the permanent parking or placement of mobile homes, trailer houses, campers, or other temporary buildings is prohibited. For purposes of this subsection, permanent parking or placement means any time in excess of seventy-two (72) hours, except as may be expressly authorized by the Town for construction, emergency, or temporary special event purposes.
- (10) If a school abuts residentially zoned property, a landscape buffer as referenced in Sections 14.02.012 and 14.02.013 shall be installed and maintained, unless a different or additional buffer is approved as part of the conditional use permit.
- (11) Notwithstanding any other provision of this code, Section 14.02.520 shall apply to all schools that have a previously approved conditional use permit. Such uses shall be considered conforming uses and shall not be subject to Section 14.02.006 or any other provision that would apply to a nonconforming use solely because of the adoption of this section.

### **Section 3. Amendment to Section 14.02.020.**

Section 14.02.020, "Definitions," of Chapter 14, "Zoning," Article 14.02, "Zoning Ordinance," Division 1, "Generally," of the Code of Ordinances, Town of Fairview, Texas, is hereby amended by adding or amending the following definitions, to be inserted in alphabetical order, to read as follows:

Accessory day care/child care use. A day care/child care facility located on the same lot or tract as an approved religious assembly use, subordinate and incidental to the religious assembly use, and authorized as an accessory use by conditional use permit in accordance with Section 14.02.010(c) and Division 11 of this article.

Primary religious assembly building. The principal building designated on an approved conditional use permit and site plan as the main building for the religious assembly use. The term includes all

enclosed floor area within that principal building used for or directly supporting religious worship, prayer, teaching, fellowship, religious instruction, ministry, administration, or other religious assembly activities. The term does not include a detached rectory, dwelling, school building, day care/child care facility, administrative building, fellowship building, educational building, storage building, maintenance building, or other detached related or accessory building unless the Town Council determines, based on objective land-use characteristics shown in the record, that the building functions as part of the principal facility for the regular religious assembly use.

Religious assembly. A use of land, building, buildings, or portion thereof used primarily for religious worship, prayer, teaching, fellowship, religious education, religious administration, ministry, or other religious assembly by a congregation, institution, or other religious organization, together with customary accessory uses that are subordinate to and customarily associated with the religious assembly use.

#### **Section 4. Amendment to Section 14.02.511.**

Section 14.02.511, “District a specific zoning classification,” of Chapter 14, “Zoning,” Article 14.02, “Zoning Ordinance,” Division 11, “Conditional Use Permit District (CU),” of the Code of Ordinances, Town of Fairview, Texas, is hereby amended by amending the title of said section and by adding the following subsections (c) – (j) with no changes to existing subsections (a) or (b).

The title of Section 14.02.511 is amended to read as follows: **District a specific zoning classification; standards for review and administration.**

Section 14.02.511 is further amended to add the following subsections.

(c) Neutral and generally applicable administration. The Town shall administer this article in a neutral and generally applicable manner based on objective land-use criteria. No decision, condition, limitation, modification, or denial shall be based on religious doctrine, religious worship content, religious speech, religious viewpoint, religious denomination, religious affiliation, the identity of a religious speaker or religious land user, or whether an activity is religious or secular in character.

(d) Equal terms. A religious assembly or institution shall not be treated on less than equal terms with a nonreligious assembly or institution that is similarly situated with respect to legitimate zoning criteria, including zoning district, traffic generation, peak-hour impacts, roadway capacity, ingress and egress, emergency access, parking demand, lot or tract size, building scale, setbacks, buffering, noise, lighting, drainage, sanitation, public health, public safety, and compatibility with neighboring property. In applying this article, the Town shall compare uses based on objective land-use impacts and not based on the religious or secular identity of the applicant or use.

(e) Denominational neutrality. The term “religious assembly” shall be construed broadly and denominationally neutrally. The term includes, without limitation, assemblies used primarily for religious worship, prayer, teaching, fellowship, religious education, ministry, or other religious exercise. No religious assembly shall be excluded or subjected to different treatment because the particular religion, denomination, form of worship, or type of religious assembly is not specifically named in this article.

(f) Presumptive standards. The lot or tract size, building size, building height, access, parking, buffering, operational, and accessory-use standards adopted by this ordinance are intended to function as presumptive land-use standards to address objective land-use impacts. Upon request of an applicant, the Town Council may approve a modification to such standards through a conditional use permit or conditional use permit amendment when competent evidence in the record demonstrates that the proposed use, as conditioned, will adequately address the land-use impacts that the standard is intended to mitigate.

(g) Less restrictive conditions preferred. Where a proposed religious assembly or related religious use may create a materially adverse land-use impact, the Town shall consider whether the impact can be adequately addressed through reasonable, objective, and content-neutral conditions before denying the application or imposing a more restrictive limitation. Such conditions may include, as applicable, site design, access controls, traffic-management measures, roadway improvements, parking management, staggered hours, buffering, screening, setbacks, building orientation, lighting controls, sound mitigation, sanitation controls, operational protocols, monitoring, or other measures tied to the identified impact.

(h) Written findings. Any condition, limitation, modification, or denial affecting a religious assembly or related religious use shall be supported by written findings identifying: (1) the specific land-use impact addressed; (2) the competent evidence in the record supporting the finding; (3) the relationship between the condition, limitation, modification, or denial and the identified impact; and (4) where applicable, why less restrictive or alternative conditions would not adequately mitigate the identified impact.

(i) Noise, lighting, animals, and similar operational impacts. Conditions relating to noise, lighting, animals, outdoor activities, sanitation, screening, buffering, or similar operational matters shall be based on objective land-use, public health, safety, nuisance, sanitation, animal-control, traffic, emergency-access, and compatibility impacts.

#### **Section 5. Amendment to Section 14.02.514.**

Section 14.02.514, "Use regulations," of Chapter 14, "Zoning," Article 14.02, "Zoning Ordinance," Division 11, "Conditional Use Permit District (CU)," of the Code of Ordinances, Town of Fairview, Texas, is hereby amended by amending the introductory paragraph of subsection (a) and by amending or adding the following rows of the use chart. All other rows of the use chart remain unchanged.

*The introductory paragraph of Section 14.02.514(a) is amended to read as follows:*

A building, structure or premises used for any of the following purposes shall be permitted only upon the grant of a conditional use permit zoning district classification. The Town Council may, after public hearing and proper notice to all parties affected, and after recommendation from the Planning and Zoning Commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following uses in the following specified districts as listed in the chart below. For land use regulations within the Commercial Planned Development District (CPDD), refer to Ordinance 2014-9-11B, as amended.

|

The use chart in Section 14.02.514(a) is amended by amending or adding the following rows to read as follows:

Use	Permitted District
<del>Religious assembly</del>	<del>PC, RE-1, RE-1.5, RE-2, RE-3</del>
Accessory day care/child care use as an accessory to a religious assembly use, subject to Section 14.02.010(c); provided, however, that this use shall not be permitted in a single-family dwelling, residence, other living quarters, or in an accessory structure to any such building	PC, RE-1, RE-1.5, RE-2, RE-3
<del>Churches, synagogues, temples</del>	<del>PC, GB, RE-1, RE-2</del>
<del>Day care/child care (more than 4 children)</del>	<del>PC, GB, RE-1, RE-2</del>
<del>Religious assembly</del>	<del>PC, RE-1, RE-1.5, RE-2, RE-3</del>
Schools	PC, RE-1, RE-1.5, RE-2, RE-3

**Section 56. Amendment to Section 14.02.515.**

Section 14.02.515, “Application for conditional use permit zoning,” of Chapter 14, “Zoning,” Article 14.02, “Zoning Ordinance,” Division 11, “Conditional Use Permit District (CU),” of the Code of Ordinances, Town of Fairview, Texas, is hereby amended by adding new subsections (11), (12), (13), ~~(14)~~, and ~~(1415)~~ to read as follows:

(11) For conditional use permit requests for a school or an accessory day care/child care use, the application shall include an operations plan identifying, as applicable, the proposed maximum number of students or children enrolled, cared for, or present at any one time, any proposed licensed capacity, hours of operation, outdoor activity areas, drop-off and pick-up procedures, staffing or operator arrangements, the gross floor area devoted to the school or day care/child care use, areas of shared use, state licensing, accreditation, registration, or exemption status ~~or licensing plan~~, fire and building code compliance information, and the manner in which the conditional use permit holder will retain responsibility for compliance with the conditional use permit and this article.

~~(12)~~ The (12) For conditional use permit requests under Section 14.02.010, and for any other conditional use permit request when required by the Town Engineer, the application shall include a traffic impact analysis unless the Town Engineer determines in writing that a lesser

traffic analysis is sufficient. The traffic analysis shall address, as applicable, existing and proposed access points, pedestrian circulation, drop-off and pick-up operations, queuing, parking, trip generation, peak-hour impacts, sight visibility, emergency access, and measures necessary to protect the safety of motorists, pedestrians, children, neighboring properties, and the surrounding street network.

(13) For any conditional use permit application involving material noise-producing elements, outdoor amplified sound, bells, chimes, loudspeakers, public-address systems, outdoor gathering areas, recurring outdoor activities, or other recurring sound-producing features, the applicant shall provide a noise impact statement or noise management plan if requested by the Director, Town Engineer, Planning and Zoning Commission, or Town Council under Section 14.02.517.

(14) The Town Council may: (A) require additional data, information, or materials if deemed necessary for consideration under this division; and (B) allow an applicant to omit any otherwise required data, information, or materials if the Town Council determines that such data, information, or materials are not applicable or appropriate as related to the requested use.

(15) For any conditional use permit application involving the recurring keeping, display, transport, or use of live animals as part of the proposed land use, the applicant shall provide information requested by the Director, Town Engineer, Planning and Zoning Commission, or Town Council regarding the type and number of animals, location and duration of animal-related activities, outdoor areas, screening, waste handling, odor control, noise, sanitation, public health, traffic, emergency access, and compliance with applicable animal control, health, nuisance, and building and fire regulations. Consideration will be given to conditions that require screening or a buffer if animals would otherwise be in public view. Any review or condition under this subsection shall be based on neutral and generally applicable land-use, public health, sanitation, safety, nuisance, and compatibility impacts and not on the religious or secular content, message, or viewpoint of the proposed activity.

**Section 67. Amendment to Section 14.02.517.**

Subsection (4) of Section 14.02.517, “Special factors for consideration,” of Chapter 14, “Zoning,” Article 14.02, “Zoning Ordinance,” Division 11, “Conditional Use Permit District (CU),” of the Code of Ordinances, Town of Fairview, Texas, is hereby amended to read as follows:

(4) Noise-producing elements, glare of vehicular and stationary lights, and the effect of such noise and lights on the established character of neighboring property.

(A) Content-neutral review. In evaluating noise-producing elements associated with a proposed conditional use, the Planning and Zoning Commission and Town Council may consider, require mitigation of, and impose special zoning conditions addressing the matters set forth in this subsection. The evaluation, mitigation, conditions, modification, or denial of a conditional use permit based on noise shall be based solely on content-neutral land-use impacts and shall not be based on the content, message, viewpoint,

words, music, religious or secular character, affiliation, denomination, identity of the speaker, or identity of the land user.

- (B) Evaluation factors. The Planning and Zoning Commission and Town Council may evaluate the type, source, character, intensity, volume, pitch, tone, duration, frequency, timing, location, orientation, directionality, cumulative effect, and reasonably anticipated off-site impact of sounds generated by the proposed conditional use. The Town may also consider proximity to adjoining and nearby properties; the zoning and actual use of surrounding property; the presence of residential uses, schools, parks, open space, places of assembly, hospitals, assisted living facilities, or other noise-sensitive receiving properties; the existing ambient sound environment; topography; buildings; vegetation; fencing; walls; setbacks; and other features that may attenuate or amplify sound.
- (C) Noise impact statement or noise management plan. Upon request of Town staff, the Planning and Zoning Commission, or the Town Council, an applicant shall submit a noise impact statement or noise management plan sufficient to evaluate the proposed conditional use. The statement or plan may be required to identify anticipated sound sources; equipment specifications; hours of operation; number, duration, and frequency of sound-producing events; location and orientation of sound-producing equipment or activities; expected sound levels at property lines and receiving properties; proposed mitigation; operational controls; monitoring methods; and compliance with applicable noise regulations.
- (D) Enhanced-review thresholds. The Planning and Zoning Commission or the Town Council may give enhanced consideration to any proposed conditional use that includes outdoor amplified sound, bells, chimes, loudspeakers, public-address systems, outdoor gathering areas, mechanical equipment, recurring outdoor activities, or other recurring sound-producing features that, based on the application, a noise study, manufacturer specifications, comparable-use data, field measurements, or other competent evidence, may reasonably be expected to generate sound levels at or beyond the boundary of any adjacent or nearby residential property, or at the exterior wall of the nearest existing residential dwelling, school, hospital, assisted living facility, or other noise-sensitive use, in excess of: (i) fifty-five (55) dBA during the hours of 7:00 a.m. to 10:00 p.m.; (ii) fifty (50) dBA during the hours of 10:00 p.m. to 7:00 a.m.; or (iii) five (5) dBA above the existing ambient sound level during the time period in which the sound-producing activity is proposed to occur.
- (E) Measurement. Unless the Town Council approves an alternative method based on competent evidence in the record, sound measurements used for purposes of subsection (4)(D) should be expressed in A-weighted decibels (dBA), measured with a sound level meter meeting generally accepted professional standards, taken at a height of approximately five (5) feet above grade, and taken at the receiving property line or other receiving location specified by the Town. Existing ambient sound levels should be measured during a representative period when the proposed sound-producing source is not operating. The Town may require that measurements or analysis be prepared or

verified by a qualified acoustical professional when necessary to evaluate the application or proposed conditions.

- (F) Effect of threshold. Meeting or being reasonably expected to meet an enhanced-review threshold does not require denial of a conditional use permit and does not, by itself, establish a violation. The threshold authorizes the Town to require additional information, evaluate the proposed sound level, duration, frequency, timing, repetitiveness, tonal or impulsive characteristics, distance to receiving properties, topography, building orientation, buffering, screening, mitigation measures, and compatibility with the established character of neighboring properties, and impose reasonable content-neutral conditions to mitigate adverse noise impacts.
- (G) Conditions. The Planning and Zoning Commission may recommend, and the Town Council may impose, reasonable content-neutral conditions necessary to prevent or mitigate a materially adverse noise impact on public health, safety, welfare, or the established character of neighboring property. Such conditions may include, without limitation, limits on hours of operation; limits on the number, frequency, or duration of sound-producing events; setbacks; placement, height, direction, and orientation of speakers or other sound-producing devices; maximum sound levels at specified property lines or receiving properties; sound limiters; enclosures; walls; landscaping; screening; operational protocols; maintenance requirements; notice and approval requirements for material changes in sound-producing equipment or operations; monitoring; reporting; procedures for responding to substantiated complaints; and other reasonable mitigation measures.
- (H) Denial or modification. The Planning and Zoning Commission may recommend denial or modification, and the Town Council may deny or require modification of, a conditional use permit request if competent evidence in the record demonstrates that the proposed noise-producing elements would create a materially adverse effect on public health, safety, welfare, or the established character of neighboring property that cannot be adequately mitigated through reasonable content-neutral conditions.
- (I) Any condition, limitation, modification, or denial based on noise-producing elements shall be supported by the record, shall be tied to identified land-use impacts, and shall be no more restrictive than necessary to address those impacts to the extent required by applicable law.
- (J) Compliance and enforcement. A conditional use permit approved with noise-related conditions shall be operated in compliance with those conditions. A violation of any such condition constitutes a violation of the conditional use permit ordinance and the zoning regulations of the Town and may be enforced by any lawful remedy available to the Town.
- (K) Lighting. All lighting shall, at a minimum, comply with the Town's dark skies ordinances and any other applicable lighting regulations. Lighting impacts to surrounding property may be evaluated and considered as part of the conditional use permit application. The Town may impose reasonable conditions relating to fixture type, height, shielding, orientation, brightness,

glare, spillover, hours, [dark-sky impacts](#), and other lighting impacts. [Lighting impacts to environmental conditions will be considered.](#)

**Section 78. Penalty.**

Any person, firm, corporation, or other legal entity violating any provision of this ordinance, any provision of the Code of Ordinances amended by this ordinance, or any condition imposed by an ordinance approving a conditional use permit under the provisions amended by this ordinance shall be subject to the penalty provisions set forth in Section 14.02.021 of the Code of Ordinances, Town of Fairview, Texas, as amended, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**Section 89. Repealer.**

All ordinances, resolutions, rules, regulations, policies, or provisions of the Code of Ordinances, Town of Fairview, Texas, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only. All provisions not expressly amended or repealed by this ordinance shall remain in full force and effect.

**Section 910. Severability.**

Should any section, subsection, sentence, clause, phrase, or word of this ordinance be held to be unconstitutional, illegal, invalid, or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, and word hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words be declared unconstitutional, illegal, invalid, or unenforceable.

**Section 1011. Savings; Continuation of Existing Conditional Use Permits.**

The repeal of any ordinance or portion of any ordinance by this ordinance shall not affect or impair any act done, offense committed, right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time this ordinance takes effect. Existing conditional use permits shall continue in accordance with their approving ordinances, Section 14.02.520, and other applicable law, except to the extent a subsequent ordinance lawfully amends or repeals a conditional use permit or any condition thereof.

**Section 1112. Publication and Effective Date.**

This ordinance shall be published as required by law and shall take effect immediately from and after its passage and publication as provided by law.

DULY PASSED AND APPROVED by the Town Council of the Town of Fairview, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
John Hubbard, Mayor

\_\_\_\_\_  
Joshua Stevenson, Town Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Clark McCoy, Town Attorney



# *Memorandum*

## *June 4, 2026*

---

**FROM:** Planning

**SUBJECT:** Consider, discuss, and take public input regarding certain text amendments to the Comprehensive Zoning Ordinance regarding day care, schools and religious assembly uses in residential zoning districts

**BACKGROUND:**

**STATUS OF ISSUE:**

**BUDGET:**

**RECOMMENDATION:**

**Attachments:**

None