

ORDINANCE NO. 1335-03-2014

AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING SECTION 3.4.06 "CARGO CONTAINERS" - ACCESSORY BUILDINGS, COMMERCIAL PROVISIONS OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE, AND FINDING THE MEETING WAS OPEN TO THE PUBLIC.

WHEREAS, the City of Gainesville, Texas (the "City) desires to encourage healthy economic growth; and

WHEREAS, the City Council recognizes that various commercial enterprises have higher-than-normal sales during holiday seasons requiring additional storage space for merchandise and lay-away items; and

WHEREAS, the City Council recommend that the zoning regulations related to cargo containers be amended;

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

SECTION 1. Findings

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to protect public health, safety and quality of life.

SECTION 2. Amend the Code of Ordinance Appendix A, Article III, Section 3.4.06

Appendix A, "Zoning," Article III, "Land Use," Section 3.4.06., "Cargo Containers," Subsection C.(11) shall read as follows:

(11) Cargo containers located in any nonresidential zoning district shall not exceed a size of ten (10) feet in height, ten (10) feet in width, and forty (40) feet in length, unless approved by City Council upon recommendation of the Planning and Zoning Commission.

SECTION 3. SEVERABILITY

If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of the same to any person or set of circumstance, if for any reason held unconstitutional, void, or invalid (or for any reason unenforceable), the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intention of the City Council and the Mayor of the City of Gainesville in adopting and

approving this Ordinance, that no portion hereof or provision or regulation contained herein, shall become inoperative or fail by any reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES

All Ordinances of the City of Gainesville, or provisions thereof, in conflict with this Ordinance and not specifically repealed herein are hereby repealed.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Texas Government Code and City Charter*.

SECTION 6. OPEN MEETINGS

It is hereby officially found and determined that the meeting at which this ordinance is 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, *Chapter 551 of the Texas Government Code*.

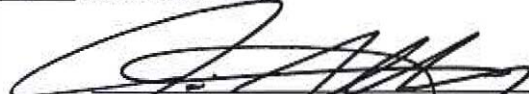
INTRODUCTION, FIRST READING AND ADOPTION

INTRODUCED, READ FOR THE FIRST TIME, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 4th DAY OF MARCH 2014.

6 AYES, 0 NAYS, 1 ABSENT, AND 0 ABSTENTIONS.

ATTEST:



KAY LUNNON, CITY SECRETARY


JIM GOLDSWORTHY, MAYOR

CHARTER SUSPENSION:

IN REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, ON THE 4TH DAY OF MARCH 2014, THE CHARTER PROVISION OF THE CITY OF GAINESVILLE REQUIRING THE READING OF THE ORDINANCE ON THREE SEPARATE OCCASIONS WAS SUSPENDED BY A VOTE OF:

6 AYES 0 NAYS 1 ABSENCES, AND 0 ABSTENTIONS


JIM GOLDSWORTHY, MAYOR

ATTEST:


KAY LUNNON, CITY SECRETARY

