

ORDINANCE NO. 09-011

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AMENDING CHAPTER 28, SECTION 5-1 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE, BY ADDING SECTION 5-1.14 ADOPTING REGULATIONS FOR SETBACK REQUIREMENTS; PROVIDING FOR A REPEALING, SEVERABILITY, AND PENALTY CLAUSE AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER FEBRUARY 20, 2009.**

**WHEREAS**, Staff is recommending the approval of an amendment to Chapter 28, Section 5-1 of the Code of Ordinances of the City of Greenville, by adding Section 5-1.14 adopting regulations for setback requirements; and

**WHEREAS**, notice of a hearing was published in a newspaper of general circulation in the City, which stated the time and place of hearing, which time was not fewer than fifteen (15) days after first day of such publication; and

**WHEREAS**, on January 12, 2009, the Planning and Zoning Commission, and, after the public hearing, recommended approval of this request; and

**WHEREAS**, a public hearing was held by the City Council prior to approval of the proposed amendment; and

**WHEREAS**, the City Council hereby finds that amending Chapter 28, Section 5-1 of the Code of Ordinances of the City of Greenville, by adding Section 5-1.14 adopting regulations for setback requirements is in 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.** The recitals set forth above are hereby found by the Council to be true and correct, and are incorporated by reference herein and expressly made a part hereof as if copied verbatim.

**SECTION 2.** The City Council of the City of Greenville hereby amends Chapter 28, Section 5.1, by adding 5.1.14 to read as follows:

5-1.14 Easement Setback

No building or sign shall be constructed closer than three (3) feet to an easement line.

**SECTION 3.** All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.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 February 20, 2009.

**PASSED AND APPROVED**, this the 10th day of February, 2009.

  
Thomas B. Oliver, Mayor

**ATTEST:**

  
Debra Newell, City Secretary

**APPROVED AS TO FORM:**

  
Brent A. Money, City Attorney