

ORDINANCE NO. 09-089

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AMENDING THE CITY OF GREENVILLE CODE OF ORDINANCES, CHAPTER 28, ZONING REGULATIONS, SECTION 5-1 DIMENSIONAL REQUIREMENTS; AMENDING THE REGULATION OF HEIGHT IN NON-RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR A REPEALING, SEVERABILITY, AND PENALTY CLAUSE AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER DECEMBER 8, 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 allowing structures in Commercial and Highway retail zoning districts to exceed the height requirements, provided these structures observe additional setbacks; 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 November 16, 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, Dimensional Requirements Section 5-1 of the Code of Ordinances of the City of Greenville, amending the regulation of height in non-residential zoning districts 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 City 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 5.1.13 Building Height as follows:

5-1.13 Building Height

(E) In the Commercial and Highway Retail zoning districts, where not adjacent to a single-family residential zoning district (SF-E, SF-1, SF-2, SF-3, SF-4, PH, SF-A), buildings may be erected to exceed the height limitation, provided that one (1) additional

foot shall be added to the required side and rear yard setbacks for each foot that such structures exceed the height limitation of the district.

(F) In the Commercial and Highway Retail zoning districts, where adjacent to a single-family residential zoning district (SF-E, SF-1, SF-2, SF-3, SF-4, PH, SF-A), buildings may be erected to exceed the height limitation, provided that two (2) additional feet shall be added to the required side and rear yard setbacks for each foot that such structures exceed the height limitation of the district.

(G) Refer to Article VII for additional height restrictions applicable to land within the vicinity of the Majors Field Airport.

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.

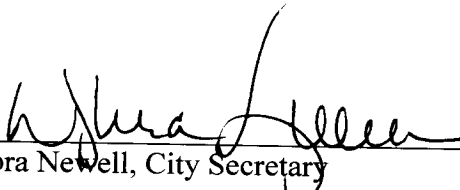
SECTION 6. This Ordinance shall be in full force and effect from and after December 8, 2009.

PASSED AND APPROVED, this the 8th day of December, 2009.



Thomas B. Oliver, Mayor

ATTEST:



Debra Newell, City Secretary

APPROVED AS TO FORM:



Brent A. Money, City Attorney