

ORDINANCE NO. 1386-04-2016

AN ORDINANCE AMENDING ORDINANCE 1266-03-2011; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY OF GAINESVILLE, TEXAS, TO RENEW A SPECIFIC USE PERMIT AS REQUESTED BY SPRINT SPECTRUM LP, FOR A COMMUNICATIONS ANTENNAE SYSTEM LOCATED AT 501 EAST CALIFORNIA STREET IN THE (CA) CENTRAL AREA; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

WHEREAS, the Planning and Zoning Commission of the City of Gainesville, Texas, held a public hearing on March 8, 2016, following notices required by law for Sprint Spectrum's (SSC) request to renew a Special Use Permit (SUP) for an existing wireless communications roof installation to remain atop the Turner Apartments located at 501 E. California at which time all affected persons were given an opportunity to be heard; and

WHEREAS, public notice, as required by law, was given of the public hearing before the City Council of the City of Gainesville on this date for the SUP, at which time all persons present were given an opportunity to be heard; and

WHEREAS, the Planning and Zoning Commission of the City of Gainesville filed its report of findings and unanimously recommended that the Special Use Permit be renewed for a five (5) year period after which time the permit shall be reviewed for renewal upon submission of application and recommendation by a majority vote; and

WHEREAS, the City Council of the City of Gainesville has duly considered the Planning and Zoning Commission reports, findings and recommendations;

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

That the City Council of the City of Gainesville has approved the renewal of a Special Use Permit for a wireless communications roof installation located at 501 East California Street as follows:

SECTION ONE: RENEWAL OF A SPECIAL USE PERMIT

A Special Use Permit for a wireless communications roof installation located at 501 East California Street has been renewed for a period of five (5) years, after which time the permit shall be reviewed for renewal upon submission of application and recommended by a majority vote.

SECTION TWO: SEVERABILITY

If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstance, if for any reason is held to be 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 of 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 THREE: EFFECTIVE DATE

This ordinance shall be effective upon passage and publication.

SECTION FOUR: OPEN MEETING FINDING

That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

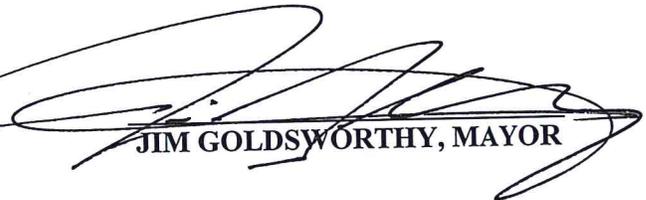
INTRODUCTION, FIRST READING AND CHARTER SUSPENSION

INTRODUCED AND READ FOR THE FIRST TIME BEFORE THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 5TH DAY OF APRIL 2016, AT WHICH TIME THE CHARTER REQUIREMENT OF THREE READINGS WAS SUSPENDED BY THE FOLLOWING VOTE.

6 AYES, 0 NAYS, 1 ABSENT, 0 ABSTENTIONS

ATTEST:


CAITLYN HUDDLESTON, CITY SECRETARY


JIM GOLDSWORTHY, MAYOR

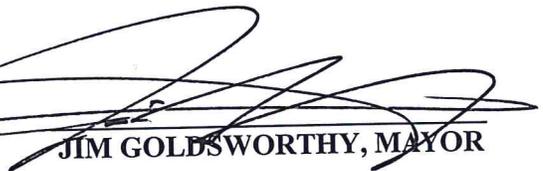
SECOND READING AND ADOPTION

READ FOR THE SECOND TIME AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 5TH DAY OF APRIL 2016.

6 AYES, 0 NAYS, 1 ABSENT, 0 ABSTENTIONS

ATTEST:


CAITLYN HUDDLESTON, CITY SECRETARY


JIM GOLDSWORTHY, MAYOR

