

**ORDINANCE NO. 1594-10-2025**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS AMENDING APPENDIX A – ZONING, SECTION 3.4 ACCESSORY USES AND STRUCTURES, SUBSECTION 3.4.02 GENERAL PROVISIONS FOR ALL DISTRICTS; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE; AND MAKING AN OPEN MEETING FINDING.**

**WHEREAS**, Chapter 211 of the Texas Local Government Code authorizes municipalities to adopt zoning regulations; and

**WHEREAS**, the Gainesville Planning and Zoning Commission (Commission) held a public hearing on September 9, 2025, after proper notice under Chapter 211 of the Local Government Code; and

**WHEREAS**, the Planning and Zoning Commission, by a vote of 6 For and 0 Against, did vote to approve the zoning ordinance amendment; and

**WHEREAS**, the City Council of the City of Gainesville held a public hearing on October 7<sup>th</sup>, 2025, after providing proper notice as required by law; and

**WHEREAS**, the City Council finds that the amendment serves a valid public purpose; and

**WHEREAS**, the City Council finds that the amendment promotes the public health, safety, morals, and general welfare of the city.

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

That the City Council of the City of Gainesville amends Appendix A – Zoning, Section 3.4 Accessory Uses and Structures, Subsection 3.4.02 General Provisions for all Districts as follows:

**SECTION ONE: INCORPORATION OF FINDINGS**

That the foregoing recitals are the findings of the City Council and are incorporated into this Ordinance as if set forth fully herein.

**SECTION TWO: AMEND APPENDIX A – ZONING, SECTION 3.4 ACCESSORY USES AND STRUCTURES, SUBSECTION 3.4.02 GENERAL PROVISIONS FOR ALL DISTRICTS**

Appendix A – Zoning, Section 3.4 Accessory Uses and Structures, Subsection 3.4.02 General Provisions for All Districts shall read as follows:

*3.4.02 [General Provisions for all Districts.]*

Any accessory building or structure constructed or placed within any zoning district of the City of Gainesville shall meet the following criteria:

- A. Shall meet setback requirements as specified within the zoning districts, except as provided in subsection F. below. In no case shall an accessory building be closer to the front property line than the main building.
- B. Shall not be established on any lot before the establishment of the principal use.
- C. Shall comply with all City codes, including, but not limited to, electrical, plumbing, health, and sanitation.
- D. Shall not create any condition that is hazardous to the health and welfare of the public.
- E. No accessory building shall exceed thirty-five (35) feet.
- F. An accessory building more than five (5) feet from the main building may be erected within three (3) feet of a side or rear lot line, but must be located at least sixty (60) feet from the front right-of-way, and shall not encroach onto any recorded easements.
- H. Temporary buildings for construction offices are only permitted in any district during construction.
- I. In-ground swimming pools and spas must be located at least five (5) feet from any structure or accessory structure unless the pool structural plans are stamped by a state of Texas certified structural engineer and approved by the building official.
- J. Exception: In cases that this section conflicts with an overlay zone, the overlay zone shall control.

**SECTION THREE: 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 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 person 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 FOUR: SAVINGS AND REPEALER**

This Ordinance shall be cumulative of all other ordinances of the City of Gainesville and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that any complaint, action, claim, or lawsuit which has been initiated or has arisen under or pursuant

to any such ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of such ordinance, and for that purpose the ordinance shall remain in full force and effect.

**SECTION FIVE: PENALTY**

It shall be unlawful for any person, corporation, or other entity to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION SIX: EFFECTIVE DATE AND PUBLICATION**

This ordinance shall be effective upon passage and publication.

**SECTION SEVEN: 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, CHARTER SUSPENSION**

**INTRODUCED AND READ FOR THE FIRST TIME BEFORE THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 7<sup>th</sup> DAY OF OCTOBER 2025, AT WHICH THE CHARTER PROVISION OF THE CITY OF GAINESVILLE REQUIRING THE READING OF THE ORDINANCE ON THREE SEPARATE OCCASIONS WAS SUSPENDED BY A VOTE:**

7 AYES 0 NAYS 0 ABSENCES, AND 0 ABSTENTIONS

ATTEST:  
  
\_\_\_\_\_  
DIANA LOCH, CITY SECRETARY

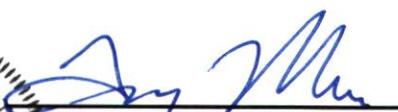
  
\_\_\_\_\_  
TOMMY MOORE, MAYOR

**ADOPTION**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 7<sup>TH</sup> DAY OF OCTOBER 2025.**

7 AYES 0 NAYS 0 ABSENCES, AND 0 ABSTENTIONS

ATTEST:  
  
\_\_\_\_\_  
DIANA LOCH, CITY SECRETARY

  
\_\_\_\_\_  
TOMMY MOORE, MAYOR

