

ORDINANCE NO. 20-1105

AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS; AMENDING THE ZONING CODE BY AUTHORIZING *HAIR AND BEAUTY SALONS, BARBER SHOPS; CHILD DAY CARE FACILITIES; FINANCIAL INSTITUTIONS; MEDICAL DOCTOR AND DENTIST OFFICES; AND DINING ESTABLISHMENT OPERATIONS AS PERMITTED USES IN CLASS 2 MEDIUM INTENSITY LAND USE DISTRICTS; AND AUTHORIZING NAIL SALONS, MASSAGE, TANNING TATTOO, BODY PIERCING; AND ELIMINATING DINING ESTABLISHMENT OPERATIONS AS CONDITIONAL USES IN CLASS 2 MEDIUM INTENSITY LAND USE DISTRICTS; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE*

WHEREAS, the City of China Grove, Texas has the authority to regulate the zoning of property pursuant to Texas Local Government Code Chapter 211; and

WHEREAS, in accordance with such authority City Council adopted a Zoning Ordinance (Ordinance No. 960711); and

WHEREAS, City Council finds it appropriate to amend Section 6 Subsection A of Ordinance No. 960711 to allow "*Hair and Beauty Salons, Barber Shops; Child Day Care Facilities; Financial Institutions; Medical Doctor and Dentist Offices and Dining Establishment operations*" as Permitted uses in the Class 2 Medium Intensity Land Use District; and

WHEREAS, City Council finds it appropriate to amend Section 6 Subsection B of Ordinance No. 960711 to allow "*Nail Salons, Massage, Tanning, Tattoo, Body Piercing*" and eliminate "*Dining Establishment operations*" as Conditional Uses in the Class -2 Medium Intensity Land Use District; and

WHEREAS, City Council provided members of the public opportunity to provide testimony and comments regarding the merits of the proposed zoning amendment and published notice of the public hearing by publication in the official city newspaper and by mailing notice as required by Texas Local Government Code Chapter 211.

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

Section 1. Findings. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

Section 2. Ordinance No. 960711 amended. Ordinance No. 960711 is hereby amended by adding to "Section 6: "CLASS-2" MEDIUM INTENSITY LAND USE DISTRICT") Subsection A (entitled "Permitted Uses") by adding the use set out in italics (*italics*) and underlined (underlined) below:

A. *Permitted Uses: The following principal uses, their accessory uses and structures, as well as customary home occupations where applicable, are permitted:*

Public facilities
Places of Worship
Municipal facilities
Offices
Retail Stores
Hair and Beauty Salons
Barber Shops
Child Day Care Facilities
Financial Institutions
Medical Doctor and Dentist Offices
Dining Establishments

And adding to “Section 6: “CLASS -2” MEDIUM INTENSITY LAND USE DISTRICT”) Subsection B (entitled “Conditional Uses”) by adding the use set out in italics (*italics*) and underlined (underlined) and **eliminating** the use set out in bold (**bold**) below:

B. *Conditional Uses: The following principal uses, their accessory uses, and structures may be permitted with an approved site plan and the issuance of a conditional use permit.*

Public or private schools
Medical Care Facilities
Shopping Centers
Establishments for on-site alcoholic beverage consumption
Veterinary care facilities
Mini-storage units
Private recreation facilities
Childcare facilities
Commercial recreation facilities
Wholesale salesrooms
Personal service establishments
Dining establishments
Vehicle Repair and Maintenance
Trailer Storage and Repair
Warehousing and Storage
Manufacturing and Fabricating
Nail Salons, Massage, Tanning, Tattoo, Body Piercing Facilities

Section 3. Cumulative Clause. This Ordinance shall be cumulative of all provisions of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

Section 4. Severability. It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared

unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrases, clause, sentence, paragraph, or section.

Section 5: Effective Date. This Ordinance shall take effect immediately from and after its passage.

PASSED, APPROVED, AND ADOPTED this 5 day of November, 2020.


Mary Ann Hajek
Mayor

ATTEST:

APPROVED AS TO FORM:



Leslie Bettice
City Secretary

City Attorney

