

MEMORANDUM

DATE: 03/05/2020

TO: Mayor & City Council
CC: Mercy Rushing, City Manager

FROM: David Madsen

SUBJECT: Council Meeting Agenda Item: Public hearing for zoning amendment

Background Information: The Planning & Zoning Commission Monday, March 2, 2020. To discuss a proposed amendment to the zoning amendment changing the definition of an Off-Premise sign. The current definition of an Off-Premise sign is “A sign which directs attention to a business, person, organization, activity, event, place, commodity, product or service not conducted, sold, or offered upon the premise on which the sign is located.” While looking into the previous issue with Off-Premise signs, a citizen questioned the definition. Although churches were not included in the definition, they could be considered an organization. The word organization could also include civic groups. The intent of the ordinance was not to hamper the efforts of those groups so it was decided to look into a change in the definition to specify the intended groups. The proposed change reads as follows: “A sign which directs attention to a business, person, or commercial enterprise, offering or selling a commodity, product or service not conducted, sold, or offered upon the premise on which the sign is located.” This would meet the original intent of the ordinance. This definition was suggested by our city attorney.

Recommendation: Planning & Zoning Commission recommends approval of the new definition.

Final Disposition:

AN ORDINANCE OF THE CITY OF MINEOLA, TEXAS AMENDING THE CITY ZONING ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mineola, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the City Council of the City of Mineola has heretofore adopted zoning ordinances for the City of Mineola, Texas, which regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication, and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the City Council of the City of Mineola on March 23, 2020 and a recommendation has been received from the Planning and Zoning Commission with respect to the amendments described herein; and

WHEREAS, the City Council of the City of Mineola does hereby deem it advisable and in the public interest to amend the Zoning Ordinances of the City of Mineola, Texas, so that henceforth and hereafter the Zoning Ordinance is amended;

THEREFORE, BE IT ORDAINED by the City Council of the City of Mineola, Texas, as follows:

Section 1

The City of Mineola Zoning Ordinance is hereby amended by changing the definition of Off-Premise Sign located in Section 6-8, L. Definitions (Off-Premise Signs). The definition shall be changed to: **“A sign which directs attention to a business, person, or commercial enterprise, offering or selling a commodity, product or service not conducted, sold, or offered upon the premise on which the sign is located.”**

Section 2

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Mineola, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the City of Mineola or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

Section 3

It is hereby declared to be the intention of the Mineola City Council 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 shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 4

Any person, firm, association of persons, corporation, or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2000.00 per offense. Each day that a violation occurs shall be deemed a separate offense.

Section 5

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

Passed and approved by the Mineola City Council on the 23rd day of March, 2020 and effective upon passage.

Mayor Kevin White

Cindy Karch, City Secretary/Finance Director