

## MEMORANDUM

**DATE:** May 7, 2021

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

**FROM:** David Madsen

**SUBJECT:** **Council Meeting Agenda Item:** Public hearing for a zoning amendment.

**Background Information:** When the zoning was overhauled in 2006, the Heritage Preservation Overlay District was created along with certain regulations to help preserve the history of the down town area. There have been some items that have been added or deleted over the years to accommodate the changing times. There was supposed to be an area of the HP overlay district that had zero setbacks. This is because the lots are narrow and some are shallow as well. The buildings share the property lines and were built on those lines. In the event that one of these lots becomes vacant, a new building would not be able to be constructed because of the current backs. The site could lose 20 to 25 feet of building space on the sides and 30 feet on the front and rear with some of these lots only being 30 feet wide. Although thankfully this situation is not occurring very often, it is something that should have been included in the original ordinance overhaul. The Landmark Commission recommended approval of the amendment as well.

**Recommendation:** Planning & Zoning recommends approval.

**Final Disposition:**





ORDINANCE NO. \_\_\_\_\_

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 May 24, 2021, and a recommendation has been received from the Planning and Zoning Board 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**

That the following described area is hereby declared to be a zero setback area of the Heritage Preservation Overlay District: Beginning on the northwest corner of Lot 14 Block 6 Mineola Townsites, thence eastward to the northeast corner of Lot 13 Block 7 Mineola Townsites, thence southward to the northwest corner of Lot 5 Block 7 Mineola Townsites, thence eastward to the northeast corner of Lot 1 Block 7 Mineola Townsites, thence southward to the southeast corner of Lot 1A Block 4 Mineola Townsites, thence westward to the southwest corner of Lot 10 Block 5 Mineola Townsites, thence westward to the southeast corner of Lot 1 Block A Mineola Townsites, thence westward to the southwest corner of Lot 3pt. Block A Mineola Townsites, thence northward to Lot 17A Block A Mineola Townsites, thence westward to the southwest corner of Lot 17D Block A Mineola Townsites, thence northward to the northwest corner of Lot 17D Block A Mineola Townsites, thence eastward to the northeast corner of Lot 18E Block A Mineola Townsites, thence northward to the southeast corner of Lot

5B Block 70 Mineola Townsites, thence northward to the northeast corner of Lot 5A Block 70 Mineola Townsites, thence eastward to the northwest corner of Lot 5B Block 6 Mineola Townsites, thence northward to the southwest corner of Lot 17 Block 6 Mineola Townsites, thence northward to the beginning.

## **Section 2**

The City Zoning Map shall be updated to properly demonstrate the boundary described in Section 1.

## **Section 3**

Section 5-2 (Heritage Preservation Overlay District) G (Commercial Regulations) of the City Zoning Ordinance shall be amended to include item number 8 as the zero setback area.

## **Section 4**

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 5**

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 6**

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 7**

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 24th day of May, 2021 and effective upon passage.

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Jayne Lankford, Mayor

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Cindy Karch, Finance Director/City Secretary