

MEMORANDUM

DATE: November 16, 2021

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

FROM: David Madsen

SUBJECT: **Council Meeting Agenda Item:** Public Hearing for Specific Use Permit to use a storage container as an Accessory Structure

Background Information: The property is described as Lots 13, 14, 15 Block 10 Mineola Townsites known as 202 N Newsom. This is the Munzesheimer Manor across from the Goodwill and is zoned C-2 General Business. The owner, Bret Unger, has a storage container that is being used as a storage building. Eleven meeting notices were sent to surrounding property owners. It was noted in the meeting that the container has been there since November of 2020. Mr. Unger was not aware that zoning approval was required since he was in a C-2 zone.

Recommendation: Planning & Zoning recommends approval with special conditions. **1.** The container must be painted an appropriate color for the location, **2.** A visual barrier around the container must be constructed, **3.** A variance on the setbacks must be granted by the Board of Adjustments or it will need to be moved as it is too close to the property line.

Final Disposition:





TRLU 376322 0
22G1

MAX. GROSS	32,400 KGS
	71,700 LBS
TARE	2,220 KGS
	4,870 LBS
NET	30,180 KGS
	66,830 LBS
HEIGHT	332 CM
	10.73' CLEAR

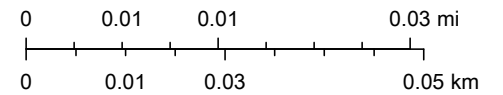
Wood CAD Web Map



10/6/2021, 11:29:31 AM

 Parcels

1:1,128

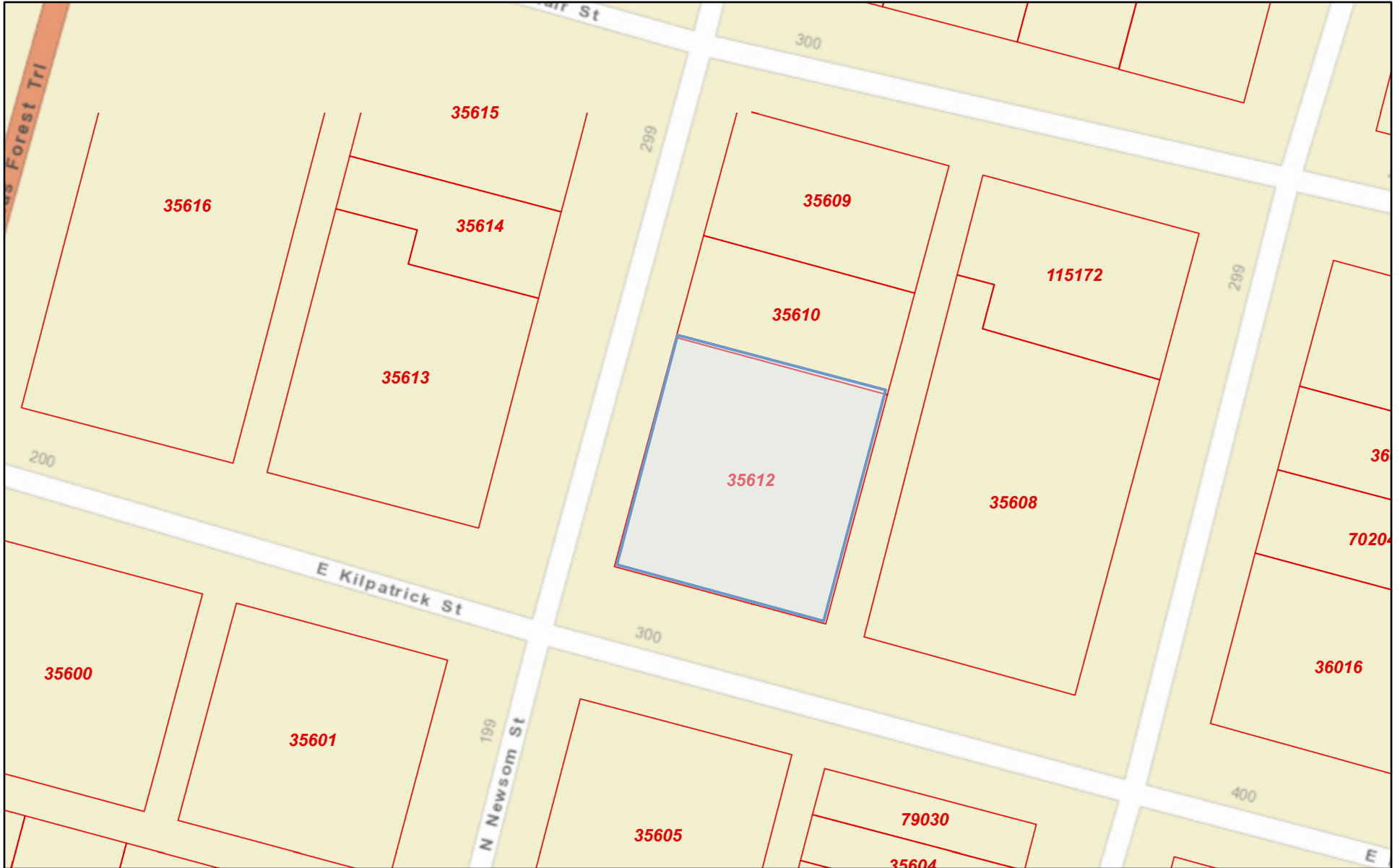


© OpenStreetMap (and) contributors, CC-BY-SA

Wood County Appraisal District, BIS Consulting - www.bisconsulting.com

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

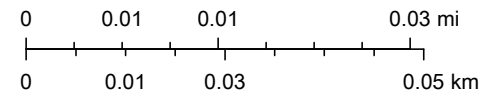
Wood CAD Web Map



10/6/2021, 11:26:14 AM

 Parcels

1:1,128



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Wood County Appraisal District, BIS Consulting - www.bisconsulting.com

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

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 November 22, 2021, 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 following property is hereby granted a Specific Use Permit allowing for the use of a storage container as an accessory structure. The Specific Use Permit is approved with special conditions as follows: the container must be painted with an appropriate color for the location, a visual barrier around the container will be provided, the container will be moved or a variance in setbacks will be granted by the Board of Adjustments.

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 22nd day of November, 2021 and effective upon passage.

Mayor, Jayne Lankford

City Secretary/Finance Director, Cindy Karch