

## MEMORANDUM

**DATE:** August 15, 2023

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

**FROM:** David Madsen

**SUBJECT:** Council Meeting Agenda Item: Public Hearing for a Specific Use Permit for an auto Service Center (Tire Shop)

**Background Information:** The purpose of the hearing is to hear a request for a Specific Use Permit to operate an Auto Service Station (Tire Shop) at Lot 5 Block 26 Mineola Townsites. The property was previously a tire shop but due to the fact of being in a C-1 zone, it was an illegal zoning use and will require a Specific Use Permit. Nine notices were sent to surrounding property owners with no one in opposition in attendance.

**Recommendation:**

**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 August 28, 2023 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 operation of an Auto Service Station on Lot 5 Block 26 Mineola Townsites.

### **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 28th day of August, 2023 and effective upon passage.

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Mayor, Jayne Lankford



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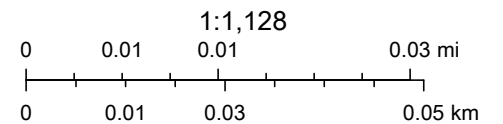
City Secretary/Finance Director, Cindy Karch

# Wood CAD Web Map



7/13/2023, 2:30:52 PM

-  Abstracts
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