

ORDINANCE NO. 08-09-22

AN ORDINANCE OF THE CITY OF MINEOLA, TEXAS AMENDING ORDINANCE NO. 06-03-27 BEING THE CITY ZONING ORDINANCE BY AMENDING SECTION 3-1 USE OF LAND AND BUILDINGS; AMENDING SECTION 3-2 SPECIAL CONDITIONS FOR LISTED USES; AMENDING SECTION 3-3 GENERAL DEFINITIONS; AMENDING SECTION 5-2.G.1 BEING PERMITTED COMMERCIAL USES IN THE "HP" DISTRICT; AMENDING SECTION 5-2.H.1. BEING PERMITTED RESIDENTIAL USES IN THE "HP" DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS 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 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;

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

Section 1

That Section 3.1 Use of Land and Buildings shall be amended to include new uses for Bed and Breakfast, hosted – Bed and Breakfast, unhosted – and Bed and Breakfast Retreat in the use tables as follows

City of Mineola Land Use Table															
Residential Uses								Land Use Designations		Non-Residential					Special Conditions
AG	SF12	SF7	MH	MF 18	MF 24	MD	MU			C1	C2	I			(See Sec. 3-2)
Residential Land Uses															
P	S	S		P	P	S	P	Bed and Breakfast, hosted		P	P				21
P	S			S	P		P	Bed and Breakfast, unhosted		P	P				22
P	S			S	S		P	Bed and Breakfast Retreat		P	P				23

Section 2

That Section 3-2 Special Conditions for Listed Uses be amended by adding new items 21, 22, and 23 as follows:

21. Bed and Breakfast, hosted, are subject to the following conditions:
 - i) Additional parking of one space per guest bedroom will be required. Parking must be screened from view of adjacent residentially zoned property.
 - ii) Food service will be limited to overnight guests of the bed and breakfast establishment and shall be prepared on site, with the exception of receptions, retreats, teas and luncheons that may be catered.
 - iii) With the exception of the C1 and C2 districts, receptions, retreats, teas and luncheons are limited to no more than 50 guests.
 - iv) The architecture of the structure and the grounds of the bed and breakfast must maintain the character of the neighborhood. If alternations are made, the exterior of the structure and the grounds must remain typical of the neighborhood and give no appearance of the business establishment within.
 - v) A permanent, wired, smoke alarm system meeting all city codes must be installed.
 - vi) Signage is limited to one sign per bed and breakfast. Signs must be discreet and unobtrusive, must be architecturally compatible with the character of the neighborhood and may contain only the name of the bed and breakfast and/or the owner's name.
22. Bed and Breakfast, Un-Hosted
 - i) One parking space per bedroom unit shall be required; however, a minimum of two (2) parking spaces are required in any case. Parking must be screened from the view of adjacent residentially zoned properties.
 - ii) Food service will be limited to overnight guests of the bed and breakfast establishment and may or may not be prepared on-site.
 - iii) The architecture of the structure and the grounds of the bed and breakfast must maintain the character of the neighborhood. If alternations are made, the exterior of the structure and the grounds must remain typical of the neighborhood and give no appearance of the business establishment within.
 - iv) A permanent, wired, smoke alarm system meeting all city codes must be installed.
 - v) Signage is limited to one sign per bed and breakfast. Signs must be discreet and unobtrusive, must be architecturally compatible with the character of the neighborhood and may contain only the name of the bed and breakfast and/or the owner's name.
23. Bed and Breakfast Retreat
 - i) One parking space per bedroom unit shall be required plus one parking space for every 100 sq. ft. of meeting area; however, a minimum of two (2) parking spaces are required in any case. Parking must be screened from the view of adjacent residentially zoned properties.
 - ii) Food service will be limited to overnight guests and may or may not be prepared on-site.
 - iii) The architecture of the structure and the grounds of the bed and breakfast must maintain the character of the neighborhood. If alternations are made, the exterior of the structure and the grounds must remain typical of the neighborhood and give no appearance of the business establishment within.
 - iv) A permanent, wired, smoke alarm system meeting all city codes must be installed.

- v) Signage is limited to one sign. Signs must be discreet and unobtrusive, must be architecturally compatible with the character of the neighborhood and may contain only the name of the bed and breakfast retreat and/or the owner's name.

Section 3

That Section 3-3, Definitions be amended by adding a definition for Bed and Breakfast Hosted, Bed and Breakfast Unhosted, and Bed and Breakfast Retreat, as follows:

Bed and Breakfast, hosted: An owner occupied private home that is used for transient lodging for paying guests. The length of stay is limited to not more than fourteen (14) consecutive days. Meal service is prepared and served on-site and is limited to breakfast for overnight guests only, at no additional compensation. Cooking and cooking facilities are prohibited in guestrooms.

Bed and Breakfast, unhosted: A dwelling unit that is used for transient lodging for paying guests. The length of stay is limited to not more than fourteen (14) consecutive days. Meal service is limited to breakfast and may be offered on or off site and is for overnight paying guests only at no additional compensation. Cooking and cooking facilities are prohibited in guestrooms, but are permitted in an area dedicated to kitchen uses.

Bed and Breakfast Retreat: A owner occupied private home that is used for lodging, conference, and workshop purposes for paying guests. Such facilities provides limited meeting space for conferences and workshops. The length of stay is limited to not more than seven (7) consecutive days. Meal service may include meals normally provided throughout the day and may or may not be prepared and served on site. Cooking and cooking facilities are prohibited in guestrooms.

SECTION 4

That Section 5-2.G.1, being the section addressing permitted commercial uses in the "HP" district be amended as follows:

G. COMMERCIAL REGULATIONS:

The following regulations shall apply to HP Overlay Districts when the underlying district is zoned for commercial use.

1. Permitted Uses

- a. In the HP Overlay District, no building or land shall be used and no building constructed, reconstructed, altered or enlarged unless permitted in any underlying commercial district and not specifically prohibited within the HP Overlay District. In addition, the following uses shall be allowed:
- b. Residential uses, as shown below, shall be permitted in any HP Overlay district with an underlying commercial district providing that no residential dwelling units shall be located on any ground floor.

Apartment

Apartment, loft

Apartment, studio

Bed and Breakfast, hosted

Bed and Breakfast, unhosted

Bed and Breakfast Retreat

SECTION 5

That Section 5-2.H.1, being the section addressing permitted residential uses in the “HP” district be amended as follows:

H. COMMERCIAL REGULATIONS:

The following regulations shall apply to HP Overlay Districts when the underlying district is zoned for residential use.

1 *Permitted Uses:* In the HP Overlay District, no building or land shall be used and no building constructed, reconstructed, altered or enlarged unless permitted in any underlying residential district and not specifically prohibited in this Heritage Preservation District. In addition, the following uses shall be allowed:

a. **Permitted By-Right:**

- Bed and Breakfast, hosted
- Bed and Breakfast, unhosted
- Bed and Breakfast Retreat
- Philanthropic or charitable use
- Office, Professional
- Real Estate Office
- Antique Shop
- Catering Service
- Locksmith
- Watch and/or Jewelry Repair
- Beauty/Barber Shop
- Retail Clothing Sales

SECTION 6

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 7

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 judgement 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 8

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 22 DAY
OF SEPT, 2008 AND EFFECTIVE UPON PASSAGE.**

