

ORDINANCE NO. 17-05-22 G

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 22, 2017 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

That Section 3.1 Use of Land and Buildings shall be amended to include the uses for Mobile Food Units and Mobile Food Unit Parks 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)	
Commercial, Retail and Service Uses															
									Mobile Food Unit	P	P	P			
									Mobile Food Unit Park	S	S	S		2	

Section 2

That Section 3-4 (Land Use Definitions and Explanations) be amended by adding the definition of Mobile Food Unit and Mobile Food Unit Park as follows:

Mobile Food Unit: *Vehicles that are designed to be readily moveable from which food is sold or served. The term includes, but is not limited to, a commercially manufactured vehicle that was originally manufactured for use as a food preparation vehicle.*

Mobile Food Unit Park: *Locations designated for the operation of two or more Mobile Food Units.*

Section 3

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 4

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 7

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 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 May 2017 and effective upon passage.



Mayor, Kevin White.

Cindy Karch, City Secretary / Finance Director