

ORDINANCE NO. 18-07-23-B

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 July 23, 2018, 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 the City of Mineola Neighborhood Commercial Overlay District: Beginning on the southwest corner of Lot 1 Block 5 Nuss Addition, thence northward to the northwest corner of Lot 1 Block 5 Nuss Addition, thence northward to the southwest corner of Lot 11A Block 2 Nuss Addition, thence northward to the northwest corner of Lot 11A Block 2 Nuss Addition, thence northward to the southwest corner Lot 1 Block 1 Nuss Addition, thence Northward to the northwest corner of Lot 1 Block 1 Nuss Addition, thence westward to the southwest corner of Lot 2B Block 250 Mineola Townsites, thence northward to the northwest corner of Lot 2B Block 250 Mineola Townsites, thence eastward to the southwest corner of Lot 1 Block 259 Mineola Townsites, thence northward to the northwest corner of Lot 4 block 259 Mineola Townsites, thence westward to the northwest corner of Lot 1 Block B Spring Lake Addition Section 1, thence northward to the southwest corner of Lot 7B Block 259 Mineola Townsites, thence northward to the south boundary line of

Lot 3 Block 261 Mineola Townsites, thence westward to the southwest corner of Lot 3 Block 261 Mineola Townsites, thence northward to the northwest corner of Lot 3 Block 261 Mineola Townsites, thence along the north boundary of Lot 3 Block 261 Mineola Townsites, thence eastward to the northeast corner of Lot 1 Block 1 Henderson Heritage Addition, thence eastward to the west boundary of Block 24 little Addition, thence northward to the northwest corner of Block 24 Little Addition, thence eastward to the northeast corner of Block 24 Little Addition, thence southward to the northeast corner of Lot 3 Block 17 Little Addition, thence westward to the northwest corner of Lot 12 Block 17 Little Addition, thence southward to the southwest corner of Lot 1 Block 17 little Addition, thence eastward to the southeast corner of Lot 3 Block 17 Little Addition, thence southward to the southeast corner of Lot 4 Block A Highland Acres, thence westward to the southwest corner of Lot 4A Block 248 Mineola Townsites, thence northward to the southeast corner of Lot 1 Block 5 Nuss Addition, thence westward to the beginning.

## Section 2

The City Zoning Map shall be updated to properly demonstrate the property rezoned in Section 1.

## Section 3

**Section 5.4** shall be created to establish regulations for the Neighborhood Commercial Overlay District. The regulations shall be as follows:

### Section 5-4 Neighborhood Commercial Overlay District

#### A. PURPOSE

The Neighborhood Commercial Overlay District, is established to provide locations for permitted commercial uses within designated MU zoning districts as established by the Mineola Zoning Ordinance.

#### B. DEFINITIONS

Definitions for this section shall be the same as those found in *Section 3-4, Land Use Defintions*.

#### C. PRIMARY USES ALLOWED

In the Neighborhood Commercial Overlay District, structures and/or land may be used as permitted in the underlying designated MU zoning districts. In addition, only these Educational, Commercial, Retail and Service uses shall be permitted as set forth in this section.

1. Baker retail
2. Gift Shop/Florist

3. Restaurant (No 24 Hour Service)
4. Catering Service
5. Collectables Shop
6. Copy shop
7. Apparel/Alteration Shop
8. Shoe Repair
9. Medical, Dental & Optical Sales
10. Medical Equipment Sales, Rental, Leasing Service
11. Bank, Financial Institution
12. Business Office
13. Fitness Studio
14. Health Club, Recreation Facility
15. Laundry Service Pickup & Receiving Station
16. School, Business College
17. School, College or University

**D. OFF-STREET PARKING AND LOADING REQUIREMENTS**

Except as stated below, off-street parking and loading requirements shall conform to the provisions of *Section 6-7, Off Street Parking and Loading Requirements*.

1. Parking spaces may be adjusted to meet the unique design criteria of the development upon justification provided on the site plan.

**E. SCREENING AND BUFFER REQUIREMENTS**

In addition to requirements as stated below, screening and buffer requirements shall conform to the provisions of *Section 6-9, Screening and Buffer Requirements*.

When a boundary of a non-residential use sides or backs upon a residential use, a solid screening wall or fence of not more than six (6) feet and not less than four (4) feet in height shall be erected on the property line separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

**F. ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

All regulations for accessory building or accessory structures shall be in compliance with *Section 6-3, Accessory Building Regulations*.

**G. AREA REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area,

as it pertains to this district, shall conform with the provisions provided in the Area Requirements table and illustration for the MU Zoning District, unless otherwise provided on the Site Plan and approved by the City Council upon recommendation by the Planning and Zoning Commission.

#### **H. DESIGN REQUIREMENTS**

The design of new construction shall be compatible with surrounding properties including, but not limited to, design features such as scale, architectural style and building materials. All new construction shall conform to the following:

1. **Exterior Construction:** No exterior of any primary structure shall be of exposed metal surface or of non-decorative concrete block construction. Exterior construction that incorporates exposed metal or non-decorative concrete block construction may be permitted with a Special Exception if such construction is an integral element of a particular architectural design feature and can be demonstrated that such construction uniquely adds value and quality to the neighborhood.
2. **Landscaping:** Except as stated below, landscaping requirements shall conform to the provisions of *Section 6-12, Landscaping Requirements*. In addition to landscaping requirements in *Section 6-12*, non-residential uses shall:
  - a. Provide a ten foot (10') landscape buffer adjacent to the property line between the road right-of-way and any parking areas. Such landscaping shall consist of trees, shrubs and ground cover.
  - b. Landscape parkway areas with trees, shrubs or ground cover, but may not in any case impair the visibility of motorists.
3. **Roofing Materials:** Roofing materials shall consist of composition or concrete roofing tiles, provided that other types shall be permitted upon approval of the City.
4. **Roof Type:** Roof construction shall be limited to gable, hip, or other type roofs having a pitch, provided that other types shall be permitted upon approval of the City.
5. **Porches:** Porches are encouraged and shall not be enclosed .
6. **Architectural Style:** Architectural style is limited to the following, provided that other styles shall be permitted upon approval of the City: Victorian, Prairie, Bungalow, Craftsmen.
7. **Canopies and Awnings for Non-Residential Structures:** Canopies or awnings that are continuous across a façade of a non-residential primary structure shall not be permitted. Awnings are permitted providing they are not continuous across a façade, but relate to each window or bay.

#### **I. SIGN REQUIREMENTS**

Except as stated below, sign requirements shall conform to the provisions of *Section 6-8, Sign Requirements*.

1. **Suspended Signs:**
  - c. Suspended signs that hang from a canopy or porch provided the size does not exceed three (3) square feet and are a minimum of seven (7) feet vertical feet above floor level.

- d. Suspended signs that hang from a pole structure shall be permitted in the front or exterior side yards provided the total sign structure does not exceed four (4) feet in height and the sign face does not exceed six (6) square feet in area.
2. **Monument Signs:** Monument signs shall be permitted in the front and exterior side yards providing the sign does not exceed twelve (12) square feet in area.
  3. **Name Plate Signs:** Name plate signs shall be permitted provided the size does not exceed one (1) square foot.
  4. **Number of Signs:** One sign per street frontage shall be permitted.
  5. **Illumination:** Sign illumination shall be externally lit from the top and shine downward, with the exception that uplighting not exceeding 75 watts shall be permitted.
  6. **Prohibited Signs:** The following signs shall be prohibited:
    - Neon Signs,
    - Signs with moving parts or incorporating sound
    - Portable signs.

**J. LIGHTING REQUIREMENTS**

All nonresidentially used parcels within the MU district shall comply with the lighting standards as provided in *Section 6-16, Outdoor Lighting Requirements*. All outdoor lighting for residentially used parcels shall be fully shielded with eighty (80) degree cut-off. No Flood lighting shall be directed toward any residential property. Light measurements at any adjacent residential property line shall not exceed one tenth (0.1) of one foot-candle.

**K. SPECIFIC USE PERMIT REQUIRED**

A specific use permit as set forth in *Section 6-2, Specific Use Permits*, shall be required for the placement of permitted Educational, Commercial, Retail and Service uses listed in this section.

**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.

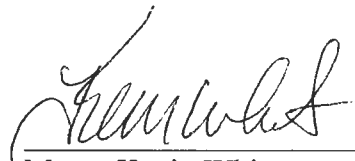
**Section 6**

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 23 day of July 2018 and effective upon passage.

  
\_\_\_\_\_  
Mayor Kevin White

  
\_\_\_\_\_  
Cindy Karch, Finance Director/City Secretary