

ORDINANCE # 2024.01.02

AN ORDINANCE OF THE CITY OF MAYPEARL, ELLIS COUNTY, TEXAS, AMENDING THE MAYPEARL COMPREHENSIVE PLAN AND FUTURE LAND USE MAP, AS AMENDED, BY CHANGING THE ZONING ON APPROXIMATELY 0.1850 ACRES, BEING LOT 11-12, BLOCK 16 O T MAYPEARL-REV, MAYPEARL, ELLIS COUNTY, TEXAS AND COMMONLY KNOWN AS 318 N. MAIN STREET, MAYPEARL, TEXAS (THE "PROPERTY"), CURRENTLY ZONED COMMERCIAL C-1, BY AUTHORIZING A SPECIAL USE PERMIT FOR THE SALE AND/OR DISTRIBUTION OF ALCOHOLIC BEVERAGES IN THE CITY LIMITS OF MAYPEARL, TEXAS; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Maypearl has received an application for a Special Use Permit to sale and/or distribute alcoholic beverages from real property of approximately 0.1850 acres identified as Lot 11-12 Block 16 O T Maypearl-Rev, Maypearl, Ellis County, Texas and commonly known as 318 N. Main Street, currently zoned Commercial C-1; and

WHEREAS, the City of Maypearl deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to amend the City's zoning ordinance; and

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Maypearl, Texas, in compliance with the laws of the State of Texas and pursuant to the Zoning Ordinance of the City of Maypearl, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Application should be approved, and in the exercise of legislative discretion have concluded that the Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYPEARL, TEXAS:

SECTION 1. That the Maypearl Comprehensive Plan and Future Land Use Map, as amended, is hereby amended by authorizing a Special Use Permit to sale and/or distribute alcoholic beverages from real property of approximately 0.1850 acres identified as Lot 11-12 Block 16 O T Maypearl-Rev, Maypearl, Ellis County, Texas and commonly known as 318 N. Main Street.

SECTION 2. That the above property shall be used only in the manner and for the purpose provided for by the Maypearl Zoning Ordinance, as heretofore amended, and as amended herein.

SECTION 3. That the development of the property herein shall be in accordance with building regulations, zoning ordinances, and any applicable ordinances applicable to "C-1" Commercial zoning district except where amended herein.


SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Maypearl Zoning Ordinance as a whole.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Maypearl Zoning Ordinance, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.


SECTION 6. That in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

APPROVED AND ADOPTED by the City Council of the City of Maypearl, Texas, this 2ND day of ~~December, 2023.~~ JANUARY, 2024

By: 
Chance Lynch, Mayor
City of Maypearl

ATTEST:


Danell Winter, City Secretary
City of Maypearl

APPROVED AS TO FORM:


Nicole A. Corr, City Attorney

NOTICE OF PUBLIC HEARING

The City of Maypearl has scheduled public hearings concerning the below referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, November 27, 2023 at 7:00 p.m.
City Council Meeting: Monday, December 4, 2023 at 7:00 p.m.
104 E. 2nd Street, Maypearl, Texas 76064

Request: Approval of a Special Use Permit to sale and/or distribute alcoholic beverages in the city limits of Maypearl, Texas. Section 24.10 of the Maypearl Zoning Ordinance requires a special use permit to sale and/or distribute alcoholic beverages in the city limits.

Zoning Case: [CASE ID]

Applicant: Aaron Lawson

Owners: Mohammad Almonani

Location: 318 N. Main Street

Property Description: Lot 11-12, Block 16 O T Maypearl-Rev, Maypearl, Ellis County, Texas

Present Zoning: Commercial C-1

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

Maypearl City Secretary
PO Box 400
Maypearl, TX 76064

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

NOTICE OF PUBLIC HEARING



The application is on file for public examination at City Hall located at 104 E. 2nd Street, Maypearl, Texas 76064.

For additional information, please contact City Hall at 972.435.2380 or email the Maypearl City Secretary at danell.winter@cityofmaypearl.org.