

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MANOR, AMENDING CHAPTER 14, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS, BY PROVIDING FOR THE AMENDMENT OF DEFINITIONS AND RESIDENTIAL LAND USE CONDITIONS; MODIFYING GENERAL DEVELOPMENT REGULATIONS FOR MULTI-FAMILY DISTRICTS; AMENDING NON-RESIDENTIAL USES IN NON-RESIDENTIAL AND MIXED-USE ZONING DISTRICTS; AMENDING NON-RESIDENTIAL AND MIXED-USE LAND USE CONDITIONS; AMENDING NON-RESIDENTIAL AND MIXED-USE DEVELOPMENT STANDARDS; AMENDING SINGLE FAMILY ATTACHED AND MULTI-FAMILY AND MIXED-USE ARCHITECTURAL STANDARDS; AND AMENDING NONCONFORMING STRUCTURES; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING SAVINGS, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor, Texas (the “City”) is a home-rule City authorized to regulate zoning within its city limits; and

WHEREAS, the City Council of the City of Manor, Texas (the “City Council”) reviews the City’s zoning regulations from time to time to consider amendments to Chapter 14, Zoning of the City’s Code of Ordinances (the “Zoning Ordinance”); and

WHEREAS, the City finds it necessary to amend the Zoning Ordinance and adopt the amendments set forth in this ordinance; and

WHEREAS, the City finds that the Zoning Ordinance should be amended to better provide an attractive living environment and to protect health, safety, morals and welfare of the present and future residents of the City; and

WHEREAS, the City Council has determined that the proposed amendments are reasonable and necessary to more effectively guide and manage the development and use of land.

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

SECTION 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. Amendment of Code of Ordinances. The City Council hereby amends Chapter 14, Zoning of the Manor Code of Ordinances (the “Zoning Ordinance”) to amend the definitions, residential land use conditions, general development regulations for Multi-Family districts, non-residential uses in non-residential and mixed-use zoning districts; non-residential and mixed-use land use conditions, non-residential and mixed-use development standards, Single

Family Attached and Multi-Family and mixed-use architectural standards, and nonconforming structures; as provided for in Sections 3 through 12 of this Ordinance.

SECTION 3. Amendment of Section 14.01.008 Definitions. Section 14.01.008 of the Zoning Ordinance is hereby amended as follows:

- (a) The definition for “Church or rectory” is hereby amended in its entirety to read as follows:

“Church or rectory See: Religious assembly.”

- (b) The definition for “Construction and equipment sales, minor” is hereby amended in its entirety to read as follows:

“Construction and equipment sales, minor means a building of structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to lawn mowers, tools, and other small machinery. This use also includes the sale of electrical, plumbing, and mechanical (HVAC) supplies and equipment.”

- (c) The definition for “Drive Aisle” is hereby added in alphabetical order to read as follows:

“Drive aisle means a circulation route for vehicular traffic through a parking lot, site or property, and may connect to a driveway.”

- (d) The definition for “Drive Aisle, Major” is hereby added in alphabetical order to read as follow:

“Drive aisle, major means a primary circulation route for vehicular traffic through a development which provides access to two (2) or more lots. Major drive aisles typically intersect with a public right-of-way or other major drive aisles.”

- (e) The definition for “Dwelling (single-family attached)” is hereby amended in its entirety to read as follows:

“Dwelling (single-family attached) See: Townhouse.”

- (f) The definition for “Religious Assembly” is hereby amended in its entirety to read as follows:

“Religious assembly means regular organized religious worship or religious education in a permanent or temporary building, as permitted in this Chapter. The use excludes private primary and secondary educational facilities, community recreational facilities, day care facilities, and park facilities as principle uses. A property tax exemption is prima facie evidence of religious assembly use.”

SECTION 4. Amendment of Section 14.02.006 Residential Land Use Conditions Table. Section 14.02.006 of the Zoning Ordinance is hereby amended as follows:

(a) The Residential Land Use and Conditions for “Single Family Attached (3 or more units) is hereby amended in its entirety to read as follows:

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| Single Family Attached (3 or more units) | <ul style="list-style-type: none"> • When located in a MF-1 or MF-2 district, the following development standards of the Townhome district apply to each Single Family Attached structure: <ul style="list-style-type: none"> ○ Maximum height, Minimum dwelling unit size, and Maximum units per structure. • When constructed in a common development (same property) with Multi-Family structures, all setback types for the entire property follow the more restrictive standard. • Architectural, parking and landscaping standards for the Single Family Attached (Townhome) district apply to Single Family Attached structures and areas. |
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SECTION 5. Amendment of Section 14.02.007(b) General Development Regulations for MF-2 Section 14.02.007(b) of the Zoning Ordinance is hereby amended to revise the following:

(a) Multi-Family 25 (MF-2) District “Exterior Side Setback to Residential” is revised to read as follows:

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|--|--------------|
| Exterior Side Setback to Residential (4) | 1-story: 25’ |
| | 2-story: 50’ |
| | 3-story: 80’ |
| | 4-story: 80’ |

(b) Multi-Family 25 (MF-2) District “Rear Setback to Residential” is revised to read as follows:

| | |
|---------------------------------|--------------|
| Rear Setback to Residential (4) | 1-story: 25’ |
| | 2-story: 50’ |
| | 3-story: 80’ |
| | 4-story: 80’ |

(c) Multi-Family 25 (MF-2) District “Maximum Height” is revised to read as follows:

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|----------------|-----|
| Maximum Height | 55' |
|----------------|-----|

SECTION 6. Amendment of Section 14.02.017(c) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts. Section 14.02.017(c) of the Zoning Ordinance is hereby amended to revise the Non-Residential and Mixed-Use District use “Offices, Showroom” to read as follows:

| | OS | I-1 | I-2 | GO | NB | DB | C-1 | C-2 | C-3 | IN-1 | IN-2 |
|-------------------|----|-----|-----|----|----|----|-----|-----|-----|------|------|
| Offices, Showroom | | | | | | | | P | P | P | |

SECTION 7. Amendment of Section 14.02.019 Non-Residential and Mixed-Use Land Use Conditions. Section 14.02.019 of the Zoning Ordinance is hereby amended to revise in its entirety the Non-Residential and Mixed-Use Land Use Condition for “Offices, Warehouse” to read as follows:

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|--------------------|---|
| Offices, Warehouse | <ul style="list-style-type: none"> It is not located within 600 feet from the lot line of a SF-E, SF-1, SF-2, TF, or TH residential district measured along a straight line between the closest district boundary lines. |
| | <ul style="list-style-type: none"> Truck bays and loading docks are located perpendicular to the public right-of-way and on an interior side or rear elevation of the building, provided they do not abut a street or highway or a SF-E, SF-1, SF-2, TF, or TH residential district. |
| | <ul style="list-style-type: none"> Access is taken from a collector or higher classification roadway. |

SECTION 8. Amendment of Section 14.02.020(a) General Development Regulations for C-1. Section 14.02.020(a) of the Zoning Ordinance is hereby amended to revise the Light Commercial (C-1) District “Maximum Height” is to read as follows:

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|----------------|-----|
| Maximum Height | 60' |
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SECTION 9. Amendment of Section 14.02.020(c) Non-Residential and Mixed-Use District Development Standards Table Notes. Section 14.02.020(c) of the Zoning Ordinance is hereby amended to revise and add the following subsections:

(a) Subsection (2) is hereby amended and revised in its entirety to read as follows:

“(2) Institutional small (I-1), institutional large (I-2), general office (GO), light commercial (C-1), medium commercial (C-2), and heavy commercial (C-3) non-residential properties located within the historic district as defined in [section 14.02.031](#) shall have a minimum of sixty (60) percent front facade masonry and fifty (50) percent overall facade masonry. Percent calculations are based on total exterior facades excluding window and door

openings. Masonry is considered stone, brick, or cement stucco and excludes cementitious planking.”

(b) Subsections (3) and (4) are hereby added to read as follows:

“(3) Light Industrial (IN-1) and Heavy Industrial (IN-2) non-residential properties located within the historic district as defined in [section 14.02.031](#) shall have a minimum of forty (40) percent front facade masonry. Percent calculations are based on total exterior facades excluding window and door openings. Masonry is considered stone, brick, or cement stucco and excludes cementitious planking.

(4) On approval by the commission, NB and DB lots having approximately 5,750 square feet of lot area or less may request approval of reduced setbacks from one or more of the setback requirements for the zoning district. The commission shall consider the lot uses to determine whether reduction of the setback requirements is appropriate. Upon approval of building plans, the setbacks may be not less than five-foot side yard, ten-foot rear yard, fifteen-foot street side yard setback and fifteen-foot front yard setback. Lots owned by the same person may be combined into one building site.”

SECTION 10. Amendment of Section 14.02.062(b)(13)(B) Single Family Attached Garage Standards. Section 14.02.062(b)(13)(B) of the Zoning Ordinance is hereby amended in its entirety to read as follows:

“(B) Dwelling units may have a garage face a public right-of-way (front-loaded) provided the garage does not face a collector or arterial road, the garage does not extend past the front facade of the dwelling unit, and the garage door(s) maintains an architectural theme of the unit. A dwelling unit within the same development, located across a local street, and facing an aforementioned front loaded dwelling unit, may also be front loaded.

(i) A front-loading garage, or the area including the garage door and four (4) feet around the garage door, whichever is wider, may occupy no more than sixty-five (65) percent of the unit’s linear frontage. Garage door areas that occupy fifty (50) percent or less shall include one element from the following list. Garage door areas that occupy between fifty-one (51) percent and sixty-five (65) percent shall contain at least three (3) elements from the following list:

- a. Integrated trim or banding around the garage door.
- b. Garage door relief detailing, including windows.
- c. Decorative hardware including hinges and handles.
- d. Single garage doors with a minimum ten-inch separation.
- e. Architectural roof above the garage.
- f. Other elements as approved by the building official.”

SECTION 11. Amendment of Section 14.02.064(b)(16) Multi-Family Garage Standards. Section 14.02.064(b)(16) of the Zoning Ordinance is hereby amended in its entirety to read as follows:

“(16) Garage standards.

(A) When visible from street rights-of-way, garages shall be located on the side or behind the rear facades of the multi-family buildings.

(i) Alternatively, if visible from street rights-of-way, landscaping and walls shall be provided between the garages and the street right-of-way that at minimum meets the Bufferyard Standards of Section 15.03.023.

(B) When provided, the minimum garage dimensions are 12-foot by 20-foot (inside dimensions) per parking space.

(C) Garage structures shall have the same materials and mix as facades of the primary residential structure.

(D) Surface parking lots located within a setback adjacent to a residential use, excluding Multi-Family 15 (MF-1) and Multi-Family 25 (MF-2), shall not be permitted.

(i) Alternatively, single story structures containing garage spaces may be permitted between a multi-family structure and a residential use to buffer the multi-family parking area from the residential use.”

SECTION 12. Amendment of Section 14.04.002(a) Nonconforming Structures. Section 14.04.002(a) of the Zoning Ordinance is hereby amended in its entirety to read as follows:

“(a) Normal repairs and maintenance may be made to a nonconforming building or structure; provided that no structure alterations shall be made except those required by law or ordinance or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms. Structure alterations include, but are not limited to, façade modifications beyond normal repairs and maintenance. Façade modifications beyond normal repairs and maintenance shall conform to all regulations of the district in which the structure is located.”

SECTION 13. Construction

The terms and provisions of this Ordinance shall not be construed in a manner to conflict with Chapter 211 of the Texas Local Government Code and if any term or provision of this Ordinance shall appear to conflict with any term, provision or condition of Chapter 211, such Ordinance term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this Ordinance.

SECTION 14. Repealing all Conflicting Ordinances

All ordinances or parts of ordinances governing zoning in force when the provisions of this Ordinance become effective which are inconsistent with or in conflict with the terms and provisions contained herein are amended only to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

SECTION 15. Savings Clause

This City Council of the City of Manor, Texas hereby declares if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION 16. Severability

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 17. Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 18. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED on First Reading this the ____ day of _____ 2022.

FINALLY PASSED AND APPROVED on this the ____ day of _____ 2022.

THE CITY OF MANOR, TEXAS

Dr. Christopher Harvey,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary