

## 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; RESIDENTIAL LAND USE TABLE; RESIDENTIAL LAND USE CONDITIONS; AMENDING NON-RESIDENTIAL USES IN NON-RESIDENTIAL AND MIXED-USE ZONING DISTRICTS; NON-RESIDENTIAL AND MIXED-USE LAND USE LAND USE CONDITIONS; NON-RESIDENTIAL AND MIXED-USE DEVELOPMENT STANDARDS; AMENDING NON-RESIDENTIAL AND MIXED-USE DEVELOPMENT STANDARDS TABLE NOTES; ACCESSORY STRUCTURES; ARCHITECTURAL STANDARDS; AND PROCEDURES; PROVIDING FOR A SEVERABILITY, 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 table, residential land use conditions, 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, non-residential and mixed-use development standards table notes, accessory structures, architectural standards, and procedures; as provided for in Sections 3 through 22 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 “Hospital Services” is hereby amended in its entirety to read as follows:

*“Hospital services means an institution providing primary health services, psychiatric services, and medical or surgical care to persons primarily on an inpatient basis. The use differs from medical clinics in that it may require stays for longer than 24 hours. Includes the following land uses: cancer center; general hospital; private psychiatric hospital; niche hospital; special hospital; and trauma facilities as defined in the Texas Administrative Code.”*

**SECTION 4. Amendment of Section 14.02.005 Residential Land Use Table.** Section 14.02.005(b) of the Zoning Ordinance is hereby amended to revise the Residential Land Uses in Residential Zoning Districts use “Single-Family Attached (2 units)” to read as follows:

	A	SF-E	SF-1	SF-2	TF	TH	MF-1	MF-2	MH-1	MH-2
Single-Family Attached (2 units)					P	C				

**SECTION 5. Amendment of Section 14.02.005 Residential Land Use Table.** Section 14.02.005(b) of the Zoning Ordinance is hereby amended to revise the Residential Land Uses in Residential Zoning Districts use “Single-Family Detached” to read as follows:

	A	SF-E	SF-1	SF-2	TF	TH	MF-1	MF-2	MH-1	MH-2
Single-Family Detached	P	P	P	P					C	

**SECTION 6. Amendment of Section 14.02.006 Residential Land Use Conditions Table.** Section 14.02.006 of the Zoning Ordinance is hereby amended to add in alphabetical order the Residential Land Use Condition for “Single-Family Attached (2 units)” to read as follows:

Single-Family Attached (2 units)	<ul style="list-style-type: none"> <li>When constructed in a Townhome (TH) district all applicable development and architectural standards of the Two-Family (TF) district apply</li> </ul>
	<ul style="list-style-type: none"> <li>When constructed in a common development (same property) with Townhome (TH) structures, all setback types for the entire property follow the more restrictive standard.</li> </ul>

**Table.** Section 14.02.006 of the Zoning Ordinance is hereby amended to add in alphabetical order the Residential Land Use Condition for “Single-Family Detached” to read as follows:

Single-Family Detached	<ul style="list-style-type: none"> <li>When constructed in a Manufactured Home (MH-1) district all applicable development and architectural standards of the Single-Family Standard (SF-2) district apply</li> </ul>
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**SECTION 8. 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 uses to read as follows:

(a)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Alcoholic Beverage Establishment					C/S	C	C	C	C		

(b)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Brewery, Micro								C	C	C	C

(c)

[illegible]

(d)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Brewpub						C	C	C	C		

(e)

[illegible]

(f)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Distillery, Micro								C	C	C	C

(g)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Distillery, Regional									C	C	C

(h)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Event Center		C	C		C/S	C/S	C/S	C	C		

(i)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Food Sales					C	C	C	C	C		

(j)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Hospital Services		P	P	P			S	S	S		

(k)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Liquor Sales					C	C	C	C	C		

(l)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Medical Clinic		P	P	P	P	P	S	S	S		

(m)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Offices, Medical		P	P	P	P	P	S	S	S		

(n)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Offices, Professional		P	P	P	P	P	S	S	S		

(o)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Restaurant				C	C	C	C	C	C		

(p)

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Restaurant – Drive-in or Drive-through							C	C	C		

**SECTION 9. 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 Conditions to read as follows:

(a)

Alcoholic Beverage Establishment	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
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(b)

Brewery, Micro	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
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(c)

Brewery, Regional	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
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(d)

Brewpub	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
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(e)

Club or Lodge	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
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(f)

Distillery, Micro	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
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(g)

Distillery, Regional	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
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(h)

Event Center	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
	<ul style="list-style-type: none"><li>• Event centers in neighborhood business (NB) and downtown business (DB) districts are limited to 10,000 s.f., unless modified by a specific use permit.</li></ul>
	<ul style="list-style-type: none"><li>• Event centers in light commercial (C-1) are limited to 25,000 s.f., unless modified by a specific use permit.</li></ul>
	<ul style="list-style-type: none"><li>• In neighborhood business (NB), downtown business (DB), and light commercial (C-1) outdoor activities can occur between 8:00 a.m. and 10:00 p.m. when located within 300 feet of a residential use, unless modified by a specific use permit.</li></ul>

(i)

Food Sales	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
	<ul style="list-style-type: none"><li>• Limited to 24,000 square feet in the neighborhood business (NB) district.</li></ul>
	<ul style="list-style-type: none"><li>• In all permitted districts, only gas station limited uses allowed as an accessory use.</li></ul>
	<ul style="list-style-type: none"><li>• Gasoline sales must follow all conditions for gas station limited sales and obtain specific use permits where applicable for the district.</li></ul>

(j)

Gas Station, Full Service	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
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	<ul style="list-style-type: none"> <li>• Permitted only within 200 feet of the right-of-way lines of intersecting streets, unless the use is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more.</li> </ul>
	<ul style="list-style-type: none"> <li>• Permitted at a maximum of two corners at an intersection of two arterial streets; and a maximum of one corner of an intersection with a collector or local street.</li> </ul>
	<ul style="list-style-type: none"> <li>• Only automotive repair (minor) uses are permitted.</li> </ul>
	<ul style="list-style-type: none"> <li>• Automobile washing facilities shall follow conditions of that use.</li> </ul>
	<ul style="list-style-type: none"> <li>• No more than four multi-fuel dispensers (eight fuel positions) shall be permitted except where one of the following conditions is met:</li> </ul>
	<ul style="list-style-type: none"> <li>◦ The property is located along and has direct access from US Highway 290 East.</li> </ul>
	<ul style="list-style-type: none"> <li>◦ The proposed gas station is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more.</li> </ul>
	<ul style="list-style-type: none"> <li>• In no case shall a gas station be permitted more than ten multi-fuel dispensers (twenty fuel positions).</li> </ul>
	<ul style="list-style-type: none"> <li>• Multi-fuel dispensers, air, vacuum, and water stations must be 100 feet from a residential district.</li> </ul>
	<ul style="list-style-type: none"> <li>• Fuel positions, air, vacuum, water stations and other similar equipment is prohibited between the principal structure and the property line of a residential district and shall comply with the building setbacks in all other circumstances.</li> </ul>
	<ul style="list-style-type: none"> <li>• Freestanding light fixtures shall be reduced in height to 15 feet if the use is adjacent to a residential district.</li> </ul>

(k)

Gas Station, Limited	<ul style="list-style-type: none"> <li>• See Article 4.02 Alcoholic Beverages</li> </ul>
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	<ul style="list-style-type: none"> <li>• Permitted only within 200 feet of the right-of-way lines of intersecting streets, unless the use is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more.</li> </ul>
	<ul style="list-style-type: none"> <li>• Permitted at a maximum of two corners at an intersection of two arterial streets; and a maximum of one corner of an intersection with a collector or local street.</li> </ul>
	<ul style="list-style-type: none"> <li>• Automotive repair and automobile washing facilities are prohibited.</li> </ul>
	<ul style="list-style-type: none"> <li>• No more than four multi-fuel dispensers (eight fuel positions) shall be permitted except where one of the following conditions is met:</li> </ul>
	<ul style="list-style-type: none"> <li>◦ The property is located along and has direct access from US Highway 290 East.</li> </ul>
	<ul style="list-style-type: none"> <li>◦ The proposed gas station is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more.</li> </ul>
	<ul style="list-style-type: none"> <li>• In no case shall a gas station be permitted more than ten multi-fuel dispensers (20 fuel positions).</li> </ul>
	<ul style="list-style-type: none"> <li>• In the neighborhood business (NB) and light Commercial (C-1) districts the canopy and arrangement of multi-fuel dispensers shall be designed in a relatively square pattern as opposed to a linear distribution of the multi-fuel dispensers, as depicted below (where X = one multi-fuel dispenser with two fuel positions):</li> </ul> <p>Acceptable Pump Arrangement</p> <pre> X      X X      X </pre> <p>Unacceptable Pump Arrangement</p> <pre> X      X      X      X </pre>
	<ul style="list-style-type: none"> <li>• Multi-fuel dispensers, air, vacuum, and water stations must be 100 feet from a residential district.</li> </ul>



	<ul style="list-style-type: none"> <li>• Fuel positions, air, vacuum, water stations and other similar equipment is prohibited between the principal structure and the property line of a residential district and shall comply with the building setbacks in all other circumstances.</li> </ul>
	<ul style="list-style-type: none"> <li>• Freestanding light fixtures shall be reduced in height to 15 feet if the use is adjacent to a residential district.</li> </ul>

(l)

Hotel	<ul style="list-style-type: none"> <li>• See Article 4.02 Alcoholic Beverages</li> </ul>
	<ul style="list-style-type: none"> <li>• External balconies must be set back at least 200 feet from any residential zoning district.</li> </ul>
	<ul style="list-style-type: none"> <li>• Must provide staff on-site 24 hours a day.</li> </ul>
	<ul style="list-style-type: none"> <li>• All guest rooms must be accessed through internal hallways, lobby, or courtyard.</li> </ul>
	<ul style="list-style-type: none"> <li>• Must provide at least three amenities from the list below:               <ol style="list-style-type: none"> <li>1. Indoor/outdoor pool.</li> <li>2. Spa/sauna.</li> <li>3. Weight room/fitness center.</li> <li>4. Playground.</li> <li>5. Sports court.</li> <li>6. Plaza/atrium.</li> </ol> </li> </ul>
	<ol style="list-style-type: none"> <li>7. Game room.</li> <li>8. Jogging trail.</li> <li>9. Conference room (1,000 square foot minimum).</li> <li>10. Full-service restaurant (minimum seating capacity of 35).</li> </ol>

(m)

Liquor Sales	<ul style="list-style-type: none"> <li>• See Article 4.02 Alcoholic Beverages</li> </ul>
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(n)

Restaurant	<ul style="list-style-type: none"> <li>• See Article 4.02 Alcoholic Beverages</li> </ul>
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(o)

Restaurant—Drive-in or drive-through	<ul style="list-style-type: none"><li>• See Article 4.02 Alcoholic Beverages</li></ul>
	<ul style="list-style-type: none"><li>• Drive-in or through aisles are allowed only in the rear of building or on sides of buildings provided that the service window and any associated speaker box are located at least 200 feet from any residential district or are screened by another structure from the residential district.</li></ul>

**SECTION 10. Amendment of Section 14.02.020 Non-Residential and Mixed-Use Development Standards.** Section 14.02.020(b) of the Zoning Ordinance is hereby amended to revise the Downtown Business District (DB) “Maximum dwelling units” to read as follows:

Maximum Dwelling Units	30/Acre
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**SECTION 11. Amendment of Section 14.02.020 Non-Residential and Mixed-Use Development Standards Table Notes.** Section 14.02.020(c) of the Zoning Ordinance is hereby amended to add subsection (5) to read as follows:

“(5) Within the Historic District half the width of city-owned alleys can be included when calculating the setback(s) along property boundaries adjacent to said alley.”

**SECTION 12. Amendment of Section 14.02.046 Accessory Structures.** Section 14.02.046(2)(B) of the Zoning Ordinance is hereby amended in its entirety to read as follows:

“(B) Accessory structures may not exceed 25 percent of the gross floor area of the first floor of the principal structure, except detached garages which may not exceed 100 percent of the gross floor area of the first floor of the principal structure.

**SECTION 13. Amendment of Section 14.02.061 Single-Family Detached and Two Family.** Section 14.02.061(a)(2) of the Zoning Ordinance is amended in its entirety to read as follows:

“(2) This section applies to all single-family and two-family dwelling units constructed in permitted districts.

(A) Reconstructions, remodels, or additions to single-family detached and two-family structures constructed prior to the effective date of this chapter shall be exempted from the provisions of this section when the reconstruction, remodel, or addition does not modify the structure's exterior or the reconstruction, remodel, or addition is less than 25 percent of the structures gross floor area.”

**SECTION 14. Amendment of Section 14.02.062 Single-Family Attached.** Section 14.02.062(a)(2) of the Zoning Ordinance is amended in its entirety to read as follows:

“(2) This section applies to all townhome dwelling units and attached townhome or rowhouse style developments of three or more attached units constructed in the permitted districts.”

**SECTION 15. Amendment of Section 14.02.063 Manufactured Home.** Section 14.02.063(a)(2) of the Zoning Ordinance is amended in its entirety to read as follows:

“(2) This section applies to manufactured home dwelling units constructed in a permitted district.”

**SECTION 16. Amendment of Section 14.02.064 Multi-Family and Mixed-Use.** Section 14.02.064(a)(2) of the Zoning Ordinance is amended in its entirety to read as follows:

“(2) This section applies to multi-family and mixed-use developments constructed in permitted districts.”

**SECTION 17. Amendment of Section 14.02.065 Office, Commercial, Institutional.** Section 14.02.065(a)(2) of the Zoning Ordinance is amended in its entirety to read as follows:

“(2) This section applies to office, commercial, and institutional developments constructed in a permitted district.”

**SECTION 18. Amendment of Section 14.02.065 Office, Commercial, Institutional.** Section 14.02.065(b)(2)(G) of the Zoning Ordinance is hereby amended in its entirety to read as follows:

“(G) For developments on a single lot or tract ten acres or larger that contains three (3) or more buildings, the following standards additionally apply, as applicable:

- (i) The site's buildings should be organized so that the layout encourages functional pedestrian spaces, plazas and amenities between and in front of the buildings.
- (ii) Provide direct pedestrian and bike access to connect future and existing developments.
- (iii) Design pedestrian amenities that allow for use and enjoyment of outdoor areas as a development focal point or centralized amenity. These may include a mix of pedestrian scaled lighting, tables, drinking fountains, benches, seating walls, shade trees, raised landscape planters, berms, clock towers, water features, specimen trees, potted plants, information kiosks, botanical exhibits and art exhibits or features.
- (iv) Design sites to accommodate bus stops in the development of shopping centers on arterial streets where future transit service may become available.
- (v) Provide convenient bicycle parking in locations that do not interfere with pedestrian circulation. Place bicycle parking racks or area in several locations within the development.

- (vi) Provide for continuation of pedestrian access when commercial developments are located adjacent to existing planned open space.”

**SECTION 19. Amendment of Section 14.02.066 Industrial.** Section 14.02.066(a)(2) of the Zoning Ordinance is amended in its entirety to read as follows:

“(2) This section applies to industrial developments constructed in a permitted district.”

**SECTION 20. Amendment of Section 14.05.002 Procedures.** Section 14.05.002(b)(4) of the Zoning Ordinance is amended in its entirety to read as follows:

“(4) *Rules applicable.* The city council, after public hearing and proper notice to all parties affected and after recommendation from the commission, may attach a planned unit development district designation to any tract of land equal to or greater than twenty-five acres. Under the planned development designation, the following rules apply:

(A) The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the city council, and no such approval will be inferred or implied.

(B) Permitted uses are those listed under the applicable zoning district(s) for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as a retail, commercial and office development are the respective uses listed for the general retail, commercial and office districts). In addition, a planned unit development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective transition between a lesser and more restrictive district. In approving a planned unit development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.

(C) Standards required by the base zoning apply in a planned unit development except that the following regulations and standards may be varied in the adoption of the planned unit development, provided that the plan is consistent with sound urban planning and good engineering practices:

- (i) Setbacks.
- (ii) Maximum height.
- (iii) Maximum lot coverage.
- (iv) Minimum lot width.
- (v) Minimum lot area.
- (vi) Off-street parking requirements.
- (vii) Maximum dwelling units per acre.

- (viii) Minimum dwelling unit size.
- (ix) Accessory building regulations.
- (x) Sign regulations along with a development agreement.
- (xi) Landscaping regulations along with a development agreement.
- (xii) Land uses and land use conditions.
- (xiii) Architectural standards along with a development agreement.
- (xiv) Special district requirements pertaining to the base zoning.

(D) In approving a planned unit development, no standards may be modified unless such modification is expressly permitted by this chapter, and in no case may standards be modified when such modifications are prohibited by this chapter.

(E) In approving a planned unit development, the city council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space and screening.

(F) The commission and city council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this chapter.

**SECTION 21. Amendment of Section 14.05.002 Procedures.** Section 14.05.002(b)(6) of the Zoning Ordinance is amended in its entirety to read as follows:

“(6) *Final site plan.* Following approval of the preliminary site plan a final site plan for any portion of the planned unit development may be approved. The preliminary site plan establishes the general development standards according to a base district. The final site plan providing all the detail required for development, subdivision, zoning and enforcement of the special conditions and regulations must be approved by ordinance prior to the zoning being in effect and construction being authorized.”

**SECTION 22. Amendment of Section 14.05.002 Procedures.** Section 14.05.002 of the Zoning Ordinance is amended to add subsection (c) to read as follows:

“(c) *Comprehensive Plan Amendment Procedures.*

- (1) *Purpose.* For the purpose of establishing and maintaining sound, stable, and desirable development within the City, the Comprehensive Plan, specifically, the Future Land Use Plan and the Transportation Master Plan, shall be amended only based upon changed or changing conditions in a particular area or in the City.

(2) *Applicability.* If it is determined that a proposed rezoning is not in accordance with the Future Land Use Plan located within the Master Plan, a Comprehensive Plan Amendment petition shall be required to accompany the rezoning application of the applicant who initiated the rezoning request with the applicable review fees in accordance with Appendix A.

(3) *Initiation of Amendment.* An amendment may be initiated by:

- (A) City Council;
- (B) The Planning and Zoning Commission; or
- (C) The City Manager

(4) *Procedure.* An applicant who wishes to develop land within the city's jurisdiction and who will require an amendment to the Future Land Use Map or Transportation Master Plan may petition the city council to initiate the process to amend the comprehensive plan by submitting a petition in the form provided by the city to the city's Development Services Director.

(A) Amendment Petition. A complete petition for a Future Land Use Map or Transportation Master Plan amendment shall be submitted to the Development Services Director with letter of explanation for the request and any support information related to the request.

(B) Review and Report by Development Services Director. Once the petition is complete, the Development Services Director shall review the proposed amendment in light of the remainder of the Comprehensive Plan and conditions in the City and give a report and recommendation to the City Council.

(C) City Council Petition Review. Approval of a petition will not constitute approval of the proposed amendment and will not bind the City Council to approve the proposed amendment. If the City Council approves the petition, the petition shall be forwarded to the Planning and Zoning Commission for review and recommendation. Failure of the City Council to act on a petition within sixty (60) days of its submission shall be deemed a denial of the petition. An approved petition shall expire within six (6) months of the date of approval if the amendment is not finally approved by the City Council within that time.

(D) Review by the Planning and Zoning Commission. Once a petition has been approved by the City Council, the Planning and Zoning Commission shall hold a public hearing to review the amendment and recommend approving, approving with conditions, or denying. The Planning and Zoning Commission will advise the City Council of its recommendation regarding the requested Comprehensive Plan amendment, or any element of the Comprehensive Plan.

(E) Final Review and Action by the City Council. After receiving a recommendation by the Planning and Zoning Commission, the City Council at a public hearing may then adopt or reject all or a certain elements of the proposed Comprehensive Plan amendment. The City Council may also adopt additional elements it deems necessary to fulfill the goals and intent of the Comprehensive Plan. The City Council may:

- (i) Adopt or reject the plan as submitted by the Planning and Zoning Commission;
- (ii) Adopt or reject the Comprehensive Plan Amendment with changes or amendments; or
- (iii) Direct the Planning and Zoning Commission to further study or review the Comprehensive Plan Amendment, or a portion thereof.

*(5) Approval Criteria*

(A) The City Council shall consider the following approval criteria in an analysis of immediate needs and consideration of the long-term effects.

- (i) The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action; and
- (ii) The amendment promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City.

(B) In considering amendments to the Comprehensive Plan, the City Council should be guided by the following:

- (i) The need for the proposed change;
- (ii) The effect of the proposed change on the need for City services and facilities;
- (iii) The compatibility of the proposed change with the existing uses and development patterns of nearby property and with the character of the neighborhood; and
- (iv) The implications, if any, that the amendment may have for other parts of the Comprehensive Plan.

**SECTION 23. 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 24. 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 25. 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 26. 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 27. 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 28. 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 \_\_\_\_\_ 2023.

**FINALLY PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_ 2023.

**THE CITY OF MANOR, TEXAS**

\_\_\_\_\_  
Dr. Christopher Harvey,  
Mayor

**ATTEST:**

\_\_\_\_\_  
Lluvia T. Almaraz, TRMC  
City Secretary

DRAFT