

ORDINANCE NO. 599

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING CHAPTER 14, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS, BY PROVIDING FOR THE AMENDMENT OF DEFINITIONS, RESIDENTIAL LAND USES, AND LAND USE CONDITIONS; MODIFYING GENERAL DEVELOPMENT REGULATIONS FOR TWO-FAMILY, TOWNHOME AND MULTI-FAMILY DISTRICTS; AMENDING NON-RESIDENTIAL AND MIXED-USE DISTRICTS LAND USES; AMENDING NON-RESIDENTIAL AND MIXED-USE DISTRICTS CONDITIONS; AMENDING DEVELOPMENT STANDARDS FOR OUTDOOR STORAGE AND DISPLAY, SINGLE FAMILY DETACHED AND TWO-FAMILY; AMENDING PLANNED UNIT DEVELOPMENT PROCEDURES; PROVIDING 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;

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 uses and land use conditions, general development regulations for Two-Family, Townhome and Multi-Family Districts, Non-Residential and Mixed-Use land uses, Non-Residential and Mixed-Use district conditions, development standards for outdoor storage and display, single family and two-family architectural standards, and planned unit development procedures; as provided for in Sections 3. through 32. 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 “Child Care Center (intermediate)” is hereby deleted in its entirety.
- (b) The definition for “Child Care Center (large)” is hereby amended in its entirety to read as follows:

“*Child Care Center* means a facility other than the residence of the director, owner, or operator of the facility which provides custodial care and supervision for less than 24 hours a day to children under 14 years of age, excluding foster and group homes.”
- (c) The definition for “Community Garden” is hereby added in alphabetical order to read as follows:

“*Community Garden* means a single piece of land or property gardened and maintained collectively by a group of people. Community gardens utilize either individual or shared plots on private or public land while producing fruit, vegetables, and/or plants grown for their attractive appearance.”
- (d) The definition for “Florist” is hereby added in alphabetical order to read as follows:

“*Florist* means an establishment for the sale of flowers, ornamental plants and related supplies.”
- (e) The definition for “Garden Center” is hereby added to read as follows:

“*Garden Center* means a retail operation where plants are propagated and grown to a desired age and sold to the general public along with related products. This use excludes wholesale production and distribution.”
- (f) The definition for “Privacy Fence” is hereby amended in its entirety to read as follow:

“*Privacy fence* means a construction which is designed for screening or enclosing and constructed of wood or masonry or a combination thereof at least six feet in height. Fences placed in or over any easement or right-of-way shall be considered a structure.”

SECTION 4. Amendment of Section 14.02.005 Residential Land Use Table. Section 14.02.005 of the Zoning Ordinance is hereby amended to add and revise the following subsections as follows:

- (a) Subsection (a) is hereby added to read as follows:
“(a) Land uses identified in Tables (b) and (c) with the following designations shall be interpreted according to the provisions herein. If there is no designation found for a particular use in a specific zoning district, that use is not allowed within

that zoning district. In the event that a use is not listed or classification is otherwise required, the Development Services Director shall classify the use.

1. Permitted Uses: Uses noted with a “P” are permitted by right within the given district, provided that all other requirements applicable to the use within each section are met.
2. Uses Permitted with Conditions: Uses noted with a “C” are permitted by right within the given district provided that specific conditions are met. Specific conditions applicable to these certain uses are provided in Section 14.02.006 of this Division.
3. Uses Requiring a Specific Use Permit: Uses noted with an “S” require consideration of impacts associated with a particular location for the proposed use, in addition to the standards that otherwise apply to the use under this Chapter.
4. Uses Permitted with Conditions and authorized by a Specific Use Permit: Uses noted with a “C/S” are permitted when authorized by a Specific Use Permit and have specific conditions provided in Section 14.02.006, unless modified by the Specific Use Permit.”

- (b) With the addition of the new subsection (a) above, subsections “(a) Residential land uses in residential zoning districts” and “(b) Non-residential land uses in residential zoning districts” are renumbered to “(b) Residential land uses in residential zoning districts” and “(c) Non-residential land uses in residential zoning districts” respectively.

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 add and delete uses to the table as follows:

- (a) Non-Residential Use “Child Care Center (small)” is hereby amended in its entirety as follows:

	A	SF-E	SF-1	SF-2	TF	TH	MF-1	MF-2	MH-1	MH-2
Child care center (small)	C/S	C/S	C/S	C/S	C/S	C/S				

- (b) Non-Residential Use “Community Garden” is hereby added immediately following the Non-Residential Use “Child Care Center (small)” to read as follows:

	A	SF-E	SF-1	SF-2	TF	TH	MF-1	MF-2	MH-1	MH-2
Community Garden	C	C	C	C	C	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 or revise the conditions to read as follows:

(a) The condition of “Agriculture” is hereby amended to add the following condition to read as follows:

- Sales of agricultural products are prohibited from the property except sales in compliance with Texas Health and Safety Code Chapter 437. This prohibition does not apply to property zoned Agricultural.

(b) The Residential Land Use and Conditions for “Child Care Center (small)” and “Community Garden” are hereby added to read as follows:

Child Care Center (small)	<ul style="list-style-type: none"> • Maximum 6 children at any one time, including the operator’s natural or adopted children under the age of 14 • Minimum 150 square feet of floor area for each child, excluding storage areas, bathrooms, and other areas as determined by the director of development services
Community Garden	<ul style="list-style-type: none"> • Limited to 1 acre • Not permitted on a property with a dwelling unit • Sales of agricultural products are prohibited except from property zoned Agricultural

SECTION 7. Amendment of Section 14.02.007(b) General Development Regulations for Two-Family District, Townhome District, and Multi-Family Districts.

Section 14.02.007(b) of the Zoning Ordinance is hereby amended to revise the Townhome (TH) District “Interior side setback” to read as follows:

Interior side setback	0’ attached
	10’ detached

SECTION 8. Amendment of Section 14.02.007(b) General Development Regulations for Two-Family District, Townhome District, and Multi-Family Districts.

Section 14.02.007(b) of the Zoning Ordinance is hereby amended to revise the Townhome (TH) District “Exterior side setback to residential (4)” to read as follows:

Exterior side setback to residential (4)	0’ attached
	5’ detached
	15’ common lot

SECTION 9. Amendment of Section 14.02.007(b) General Development Regulations for Two-Family District, Townhome District, and Multi-Family Districts. Section 14.02.007(b) of the Zoning Ordinance is hereby amended to revise the Townhome (TH) District “Rear setback to residential (4)” to read as follows:

Rear setback to residential (4)	20’
	(15’) common lot

SECTION 10. Amendment of Section 14.02.007(b) General Development Regulations for Two-Family District, Townhome District, and Multi-Family Districts. Section 14.02.007(b) of the Zoning Ordinance is hereby amended to revise the Townhome (TH) District “Rear setback to non-residential (4)” to read as follows:

Rear setback to non-residential (4)	25’
	(15’) common lot

SECTION 11. Amendment of Section 14.02.007(b) General Development Regulations for Two-Family District, Townhome District, and Multi-Family Districts. Section 14.02.007(b) of the Zoning Ordinance is hereby amended to revise the Townhome (TH) District “Maximum dwelling units” to read as follows:

Maximum dwelling units	1/single lot
	12/acre common lot

SECTION 12. Amendment of Section 14.02.007(b) General Development Regulations for Two-Family District, Townhome District, and Multi-Family Districts. Section 14.02.007(b) of the Zoning Ordinance is hereby amended to revise the Townhome (TH) District “Maximum units per structure” to read as follows:

Maximum unit per structure	1 single lot
	6 common lot

SECTION 13. Amendment of Section 14.02.007(b) General Development Regulations for Two-Family District, Townhome District, and Multi-Family Districts. Section 14.02.007(b) of the Zoning Ordinance is hereby amended to amend in its entirety the Multi-Family 15(MF-1) District “Front Setback” to read as follows:

Front Setback	20’
	(15’)

SECTION 14. Amendment of Section 14.02.007(b) General Development Regulations for Two-Family District, Townhome District, and Multi-Family Districts. Section 14.02.007(b) of the Zoning Ordinance is hereby amended to amend in its entirety the Multi-Family 15 (MF-1) District “Streetside Setback” to read as follows:

Streetside Setback	15’
	(15’)

SECTION 15. Amendment of Section 14.02.017 Non-Residential Land Use Table. Section 14.02.017 of the Zoning Ordinance is hereby amended to add and revise the following subsections to read as follows:

(a) Subsection (a) is hereby added to read as follows:

“(a) Land uses identified in Tables (b) and (c) with the following designations shall be interpreted according to the provisions herein. If there is no designation found for a particular use in a specific zoning district, that use is not allowed within that zoning district. In the event that a use is not listed or classification is otherwise required, the Development Services Director shall classify the use.

1. Permitted Uses: Uses noted with a “P” are permitted by right within the given district, provided that all other requirements applicable to the use within each section are met.
2. Uses Permitted with Conditions: Uses noted with a “C” are permitted by right within the given district provided that specific conditions are met. Specific conditions applicable to these certain uses are provided in Section 14.02.018 of this Division.
3. Uses Requiring a Specific Use Permit: Uses noted with an “S” require consideration of impacts associated with a particular location for the proposed use, in addition to the standards that otherwise apply to the use under this Chapter.
4. Uses Permitted with Conditions and authorized by a Specific Use Permit: Uses noted with a “C/S” are permitted when authorized by a Specific Use Permit and have specific conditions provided in Section 14.02.018, unless modified by the Specific Use Permit.”

(b) With the addition of the new subsection (a) above, “(a) Residential land uses in non-residential and mixed-use zoning districts” and “(b) Non-residential uses in non-residential and mixed-use zoning districts” are renumbered to “(b) Residential land uses in non-residential and mixed-use zoning districts” and “(c) Non-residential uses in non-residential and mixed-use zoning districts” respectively.

SECTION 16. Amendment of Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts. Section 14.02.017(b) of the Zoning Ordinance is hereby amended to delete in its entirety the non-residential use “Child care center (intermediate)”.

SECTION 17. Amendment of Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts. Section 14.02.017(b) of the Zoning Ordinance is hereby amended to delete the non-residential use title “Child care center (large)” read as follows: “Child care center”.

SECTION 18. Amendment of Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts. Section 14.02.017(b) of the Zoning Ordinance is hereby amended to add the non-residential use “Community Garden” immediately following the use “Communication services or facilities” to read as follows:

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Community Garden	C	C	C		C	C	C				

SECTION 19. Amendment of Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts. Section 14.02.017(b) of the Zoning Ordinance is hereby amended to delete in its entirety the non-residential use “Game Room” to read as follows:

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Game Room							C/S	C/S	C/S		

SECTION 20. Amendment of Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts. Section 14.02.017(b) of the Zoning Ordinance is hereby amended to add the non-residential use “Garden Center” immediately following the use “Game Room” to read as follows:

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Garden Center							C	C	C		

SECTION 21. Amendment of Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts. Section 14.02.017(b) of the Zoning Ordinance is hereby amended to delete in its entirety the non-residential use “Pawnshop” to read as follows:

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

SECTION 22. Amendment of Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts. Section 14.02.017(b) of the Zoning Ordinance is hereby amended to add the non-residential use “Pet Store” immediately following the use “Personal Services” to read as follows:

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Pet Store					C	C	C	C	C		

SECTION 23. Amendment of Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts. Section 14.02.017(b) of the Zoning Ordinance is hereby amended to add the non-residential use “Semi-Permanent Food Establishment” immediately following the use “School, public” to read as follows:

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Semi-Permanent Food Establishment							C	C	C		

SECTION 24. Amendment of Section 14.02.018 Non-Residential and Mixed-Use Districts Conditions. Section 14.02.018 of the Zoning Ordinance is hereby amended to delete in its entirety the conditions of “Light Commercial (C-1)” to read as follows:

Light Commercial (C-1)	<ul style="list-style-type: none"> • Uses be conducted entirely within an enclosed building except for customary outdoor uses, as approved by the Development Services Director, on an area that is improved with concrete, asphalt, or another all-weather surface. All sales of merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located outdoors • Outdoor displays must be in accordance with section 14.02.049 • Merchandise be new, first-hand and sold on premises, except for antique shops • Establishments located on property that is within 300 feet of any property zoned for residential use when the commercial use is first established may not be open to the general public before 5:00 a.m. and must be closed to the general public by 12:00 a.m., except for commercial uses located on US Hwy 290.
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SECTION 25. 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 add the

Non-Residential and Mixed-Use Land Use Conditions for “Community Garden” immediately following the Non-Residential and Mixed-Use Land Use Conditions for “Commercial Off-Street Parking” to read as follows:

Community Garden	<ul style="list-style-type: none"> • Limited to 1 acre. • Can be a principle or accessory use. • Sales of agricultural products are prohibited except from property with a temporary food establishment permit under Section 14.02.048(a)(1) or Section 14.02.048(a)(6).
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SECTION 26. 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 delete in its entirety the Non-Residential and Mixed-Use Land Use Conditions for “Florist” to read as follows:

Florist	<ul style="list-style-type: none"> • Greenhouses are prohibited
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SECTION 27. 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 add the Non-Residential and Mixed-Use Land Use Conditions for “Garden Center” immediately following the Non-Residential and Mixed-Use Land Use Conditions for “Game Room” to read as follows:

Garden Center	<ul style="list-style-type: none"> • The area containing accessory materials or products, e.g. soil, mulch, sod, fertilizers, etc. is screened from view of adjacent rights-of-way and properties by a fenced enclosure. • Stacked materials do not exceed the height of a screen fence.
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SECTION 28. 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 add the Non-Residential and Mixed-Use Land Use Conditions for “Pet Store” immediately following the Non-Residential and Mixed-Use Land Use Conditions for “Pawnshop” to read as follows:

Pet Store	<ul style="list-style-type: none"> • Sales of any animal, domestic or otherwise, requires a Commercial Sales Permit under Section 2.03.006
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SECTION 29. 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 add the Non-Residential and Mixed-Use Land Use Conditions for “Semi-Permanent Food Establishment” immediately following the Non-Residential and Mixed-Use Land Use Conditions for “Restaurant-Drive-in or Drive-through” to read as follows:

Semi-permanent Food Establishment	<ul style="list-style-type: none"> • See Article 4.03, Peddlers, Solicitors, Food Vendors, Special Events and Outdoor Sales
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SECTION 30. Amendment of Section 14.02.049(c) Outdoor Storage and Display. Section 14.02.049(c) of the Zoning Ordinance is hereby deleted in its entirety to read as follows:

“(c) *Outdoor Display.* Outdoor display is the display of items actively for sale and shall adhere to the following standards:

- (1) Outdoor display of merchandise shall not occupy any required parking spaces, landscape area, pedestrian accessibility or fire lane.
- (2) Outdoor display shall not extend into public right-of-way or onto adjacent property and must be kept within 15 feet of the principle structure. This distance requirement does not apply to vehicle rental or garden centers.
- (3) Outdoor display shall be displayed in a neat and orderly manner and maintained in a clean, litter free manner.
- (4) Outdoor display may not be located on the roof of any structure.
- (5) The outdoor display area shall not exceed ten percent of the square footage of the principle structure or 500 square feet, whichever is less with the follow exceptions:
 - (A) Outdoor home accessory sales are exempt from this requirement
 - (B) Passenger vehicle rental. Outdoor display of passenger vehicles for rent is exempt from this requirement. This does not include vehicles used for moving.
 - (C) Moving vehicle rental. Rental of vehicles used for moving goods, personal or commercial, are limited to a maximum of eight parking spaces.
 - (D) Garden Centers are exempt from this requirement.
- (6) All sales of such merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located outdoors.
- (7) The maximum height of merchandise shall not exceed four feet except for vehicle rental and garden centers where retail plants can be displayed above four feet.

(8) Outdoor display is not required to be screen except accessory materials or products, e.g. soil, mulch, sod, fertilizers, etc. associated with a garden center.

(9) Automotive parts and accessories shall not remain outdoors for more than 12 consecutive hours or will otherwise be required to follow the standards for outdoor storage.”

SECTION 31. Amendment of Section 14.02.061(b)(1) Single Family Detached and Two-Family. Section 14.02.061(b)(1) of the Zoning Ordinance is hereby amended to delete subsection (D) in its entirety to read as follows:

“(D) The principle dwelling shall have at least a fully enclosed two car garage. The garage may be attached or detached.

(i) New housing development must avoid front elevations resulting in a streetscape dominated by the sight of garage doors.

(ii) A front-loading garage, or the area including the garage door and four feet around the garage door, may protrude no more than six feet from the longest front wall.

(iii) A front-loading garage, or the area including the garage door and four feet around the garage door, whichever is wider, may occupy no more than 65 percent of the house linear frontage. Garage door areas that occupy 50 percent or less shall include one element from the following list. Garage door areas that occupy between 51 percent and 65 percent shall contain at least three 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 10” separation
- e. Architectural roof above the garage
- f. Other elements as approved by the Building Official”

SECTION 32. Amendment of Section 14.05.002(b)(8) Planned Unit Development Procedures. Section 14.05.002(b)(8) of the Zoning Ordinance is hereby amended to delete subsection (8) in its entirety to read as follows:

“(8) Reserved”

SECTION 33. 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 34. 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 35. 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 36. 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 37. 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 38. 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 16th day of December 2020.

FINALLY PASSED AND APPROVED on this the 6th day of January 2021.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary