



Philip Tryon, Chairperson, Place 3
Julie Leonard, Vice-Chair, Place 1
Jacob Hammersmith, Place 2
Isaac Rowe, Place 4
Ruben J. Cardona, Place 5
Cecil Meyer, Place 6
LaKesha Small, Place 7

Planning & Zoning Commission Regular Meeting

Wednesday, December 09, 2020 at 6:30 PM

Manor City Hall, Council Chambers, 105 E. Eggleston St.

AGENDA

Via Telephone/Video Conference (Zoom Meeting)

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in person meetings that assemble large groups of people the Planning and Zoning Commission Regular Meeting scheduled for Wednesday, December 9th, will only be open to the public via remote access.

Instructions for Public Speaking:

- *Members of the public that wish to speak during public comments, public hearing or an agenda item will need to register in advance by visiting www.cityofmanor.org where a registration link will be posted on the calendar entry for each public meeting. You will register by filling in the speaker card available for that specific meeting and submitting it to publiccomments@cityofmanor.org. Once registered, instructions will be emailed to you on how to join the videoconference by calling in. Your Speaker Card must be received two (2) hours prior to scheduled meeting.*

Upon receiving instructions to join zoom meeting the following rules will apply:

- *All speakers must address their comments to the Chairperson rather than to individual Commission Members or city staff. Speakers should speak clearly into their device and state their name and address prior to beginning their remarks. Speakers will be allowed three (3) minutes for testimony. Speakers making personal, impertinent, profane or slanderous remarks may be removed from the meeting.*

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

PUBLIC COMMENTS

*Comments will be taken from the audience participating in zoom meeting on non-agenda related topics for a length of time, not to exceed three (3) minutes per person. Comments on specific agenda items must be made when the item comes before the Commission. To address the Planning and Zoning Commission, please register and submit the speaker card following the instructions for public speaking above. **No Action May be Taken by the Planning and Zoning Commission During Public Comments.***

PUBLIC HEARING

- 1. Conduct a public hearing on an ordinance amending Chapter 14, Zoning, of the Manor 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; and amending planned unit development procedures.**

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Planning and Zoning Commission and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Chairperson or a Commission Member; in which event, the item will be removed from the consent agenda and considered separately.

- 2. Consideration, discussion, and possible action to approve the Planning and Zoning Commission minutes of the November 12, 2020, Called Special Session.**

REGULAR AGENDA

- 3. Consideration, discussion, and possible action on an ordinance amending Chapter 14, Zoning, of the Manor 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; and amending planned unit development procedures.**
- 4. Consideration, discussion, and possible action on appointing a Planning and Zoning Commission Chairperson to serve a 1-year term.**
- 5. Consideration, discussion, and possible action on appointing a Planning and Zoning Commission Vice-Chair to serve a 1-year term.**
- 6. Consideration, discussion, and possible action on appointing two Planning and Zoning Commission members to serve 1-year terms on the Tree Advisory Committee.**
- 7. Consideration, discussion, and possible action on a Subdivision Calendar for 2021.**

ADJOURNMENT

In addition to any executive session already listed above, the Planning & Zoning Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section §551.071 (Consultation with Attorney), §551.072 (Deliberations regarding Real Property), §551.073 (Deliberations regarding Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations regarding Security Devices) and §551.087 (Deliberations regarding Economic Development Negotiations).

CONFLICT OF INTEREST

In accordance with Section 12.04 (Conflict of Interest) of the City Charter, “No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.”

Further, in accordance with Chapter 171, Texas Local Government Code (Chapter 171), no Planning & Zoning Commission member and no City officer may vote or participate in discussion of a matter involving a business entity or real property in which the Planning & Zoning Commission member or City officer has a substantial interest (as defined by Chapter 171) and action on the matter will have a special economic effect on the business entity or real property that is distinguishable from the effect on the general public. An affidavit disclosing the conflict of interest must be filled out and filed with the City Secretary before the matter is discussed.

POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, December 4, 2020, by 5:00 PM and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/s/ Lluvia T. Almaraz, TRMC
City Secretary for the City of Manor, Texas

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:

The City of Manor is committed to compliance with the Americans with Disabilities Act. Manor City Hall and the Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at 512.272.5555 or e-mail lalmaraz@cityofmanor.org.

Section 14.01.008 – Definitions

Child care center (~~intermediate~~) means a facility other than the residence of the director, owner, or operator of the facility (~~including nonresidential structures~~) which provides custodial care and supervision for less than 24 hours a day to children under 14 years of age ~~for between seven and 12 children~~, excluding foster and group homes. ~~The facility must contain a minimum 150 square feet of floor area for each child.~~

- Rationale: We have 2 definitions for Child Care Center; (intermediate) and (large) with them being substantially similar except (intermediate) limited the operation to between 7 and 12 children. They we both permitted in the same zoning districts so having have 2 types of Child Care Centers was not necessary. This modification removes (intermediate) and renames (large) to just Child Care Center and removes the limits on the number of children. Those numbers are governed by State licensing requirements.

Community Garden means a single piece of land gardened and maintained collectively by a group of people. Community gardens utilize either individual or shared plots on private or public and while producing fruit, vegetables, and/or plants grown for their attractive appearance.

- Rationale: A resident had expressed an interest in starting a community garden, but our code did not provide a clear way to do that. This adds the definition and its use if further refined in later sections.

Florist means an establishment for the sale of flowers, ornamental plants and related supplies.

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.

- Rationale: The addition of Florist and Garden Center go together. Our previous references to Florist in our code was a hybrid of a florist shop and a garden center depending on the zone it was located in. In Neighborhood Business and Light Commercial greenhouses were prohibited, while they were permitted in Medium and Heavy Commercial so essentially only a “florist” would locate in NB and C-1, while a florist similar to a garden center could locate in C-2 and C-3. This modification clarifies what a Florist is vs what a Garden Center as well as further refining those uses in later sections.

Privacy fence means a construction, ~~not considered a structure~~, 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.~~

- This change in the Privacy Fence better aligns the definition with our Subdivision Code that stipulates structures are not permitted in easements or rights-of-way unless they are necessary for the function of the easement or ROW so this change clarifies that a fence in an easement or ROW is a structure.

Section 14.02.005 – Residential Land Use Table

- (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.

Change 14.02.005(a) to 14.02.005(b)

Change 14.02.005(b) to 14.02.005(c)

- Rationale: Section (a) clarifies what the letter designations in our Residential Land Use Table mean; P = permitted, C = conditions, and S = specific use permit required. The current sections (a) and (b) are changed to (b) and (c).

Child Care Center (small) “C/S” in A, SF-E, SF-1, SF-2, TF, TH

- Rationale: Child Care Center (small) is a home-based daycare. It previously was only mentioned in the definitions section, so this adds it to the list of non-residential uses in residential districts. The requirements to operate one and the need for a specific use permit are unchanged.

Community Garden “C” in A, SF-E, SF-1, SF-2, TF, TH

- This adds Community Gardens as a permitted with conditions use to certain residential districts. The conditions are added in a later section. This would allow residents or an HOA to establish a community garden in their neighborhood without having to rezone the property.

Section 14.02.006 Residential land use conditions table

Agriculture – add Sales of agricultural products are prohibited from the property except sales in compliance with Texas Health and Safety Code Chapter 437

- This adds to the existing conditions for an agricultural operation on residential zoned property that sales of the products are prohibited unless allowed by State law. That State law reference is for Cottage Foods like baked goods that don't require time and temperature controls and can be manufactured and sold from a home-based business.

Child Care Center (small) - 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

- This adds the conditions under which a home-based daycare be established (a specific use permit would also be required, and that SUP could modify these conditions).

Community Garden – Limited to 1 acre, Not permitted on a property with a dwelling unit, Sales of agricultural products are prohibited except from property zoned Agricultural

- This adds the conditions to a Community Garden that is established in a residential zoning district.

Section 14.02.007 Residential Development Standards

TH – Interior side setback: 0' attached, ~~15' detached~~ 10' detached

Exterior side setback to residential (4): ~~10'-0'~~ attached, 5' detached, ~~25'-15'~~ common lot

Rear setback to residential (4): 20', (15') common lot

Rear setback to non-residential (4): 25', (15') common lot

Maximum dwelling units: 1/single lot, 12/acre (common lot)

Maximum units per structure: 1 single lot, 6 (common lot)

MF-1: Front setback: 20', (15')

Streetside setback: 15', (15')

- Rationale: The setback standards for Townhome district, interior and exterior side, were incorrect and would not have produced the intended product. This clarifies and allows for the types of Townhome developments typically constructed. The Maximum Dwelling Units were also clarified to include that if single lots are platted that only 1 dwelling unit is allowed per lot and the Maximum units per structure is 1 on a single and 6 on a common lot.
- The modifications to MF-15 add streetscape yards (landscaping requirements)

Section 14.02.017 – Non-Residential and Mixed-Use District Land Use Table

- (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.

Change 14.02.017(a) to 14.02.017(b)

Change 14.02.017(b) to 14.02.017(c)

- Rationale: Section (a) clarifies what the letter designations in our Non-Residential Land Use Table mean; P = permitted, C = conditions, and S = specific use permit required. The current sections (a) and (b) are changed to (b) and (c).

Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts

Child Care Center (large) is replaced with Child Care Center

Community Garden “C” in OS, I-1, I-2, NB, DB, C-1

Game Rooms “C/S” in C-1, C-2, C-3, ~~IN-2~~

Pawnshop ~~“C/S”~~ “C” in C-2, C-3, IN-1

Pet Store “C” in NB, DB, C-1, C-2, C-3.

Semi-permanent food establishment “C” in C-1, C-2, C-3

- Rationale:
 - Child Care Center (large) name is just replaced with Child Care Center.
 - Community Garden is added a permitted use with conditions in Open Space, Institutional (small), Institutional (large), Neighborhood Business, Downtown Business, and Light Commercial. Conditions are added in a later section
 - Game Rooms are clarified to match what is in the Game Rooms Ordinance so they are permitted with conditions and specific use permits in Light Commercial but removed as a use in Light Industrial
 - Pawnshops used to required a specific use permit as well as have conditions on the use but State law does not allow a city to require a Pawnshops to have to

obtain specific use permits. The conditions on the use remain, like distance from other pawnshops, schools, and churches.

- Pet Stores were a defined use but not included in the list of permitted uses, so this adds them in Neighborhood Business, Downtown Business, Light, Medium and Heavy Commercial. Conditions on the use are added in a later section.
- Semi-permanent food establishments (food trucks) were not included in the list of permitted uses so this adds them in Light, Medium, and Heavy Commercial. Conditions on the use are added in a later section.

Section 14.02.018 Non-Residential and Mixed-Use District Conditions.

Light Commercial (C-1)	<ul style="list-style-type: none"> ● Uses be conducted entirely within an enclosed building except for delivery, gasoline sales, dining and patio areas associated with a restaurant, food and beverage sale use, and mobile food vendors. ● 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
	<ul style="list-style-type: none"> ● Outdoor displays must be in accordance with section 14.02.049
	<ul style="list-style-type: none"> ● Merchandise be new, first-hand and sold on premises, except for antique shops
	<ul style="list-style-type: none"> ● 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.

- Rationale: This change removes the strict requirements for what uses are allowed to have outdoor components and allows the Director of Development Services to determine the appropriateness. This change was mostly driven by the addition of Garden Centers as a permitted with conditions use in Light Commercial and the normal operations of that use include outdoor display/storage of plants and associated materials so rather than continually add what uses can have outdoor uses this change allows the Director to determine the appropriateness.

Section 14.02.019 Non-residential and mixed-use land use conditions

Community Garden – 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)

Florist – ~~In neighborhood business (NB), downtown business (DB), and light commercial (C-1) greenhouses are prohibited, The area containing the plants and other accessory materials or products, e.g. soil, mulch, sod, pots and containers, etc., is enclosed within a fenced area, Stacked materials do not exceed the height of a screening fence, Where permitted, greenhouses are placed to the rear of the property.~~

Garden Center - 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.

Pet Store – Sales of any animal, domestic or otherwise, requires a Commercial Sales Permit under Section 2.03.006

Semi-permanent food establishment – see Article 4.03 Peddlers, Solicitors, Food Vendors, Special Events and Outdoor Sales

- Rationale: These are the conditions on the uses that were added or modified in the previous sections in Non-residential districts.
 - Community Gardens allow the sale of agricultural products when a temporary use permit is granted for the sale of seasonal products or a farmers market permit.
 - Florist conditions are modified to just exclude greenhouses
 - Garden Center – the conditions that used to be on florists are moved to Garden Centers, but not the provision about where greenhouses are located
 - Pet Stores – added so concurrence with our Animal Control ordinance is adhered too
 - Semi-permanent food establishment – added so concurrence with our Vendor/Peddler ordinance is adhered too

Section 14.02.049(c) – Outdoor Storage and Display

(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 of 500 square feet, whichever is less with the following 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 screened 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.

- Rationale: This changes to the outdoor display and storage are meant to allow for Garden Center uses in the ways they traditionally operate their businesses with much of the product being in outdoor or partially covered areas.

Section 14.02.061(b)(1) Single Family Detached and Two-Family

(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, whichever is wider, may occupy no more than 50 percent of the house linear frontage, and may protrude no more than six feet from the longest front wall.~~ 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
- Rationale: Garage door percentages had been capped at 50% to limit the visual impact of garage doors on the streetscape. This amendment allows them to go up to 65% but adds architectural elements; 1 if the garage door percentage is 50% or lower and 3 elements if it's 51% - 65% and provides a list of elements. This provides more flexibility in design while maintain the intent of the code.

Section 14.05.002(b)(8) Procedures

~~(8) Expiration. If development equal to at least 25 percent of the cost of installing streets, utilities and drainage in the PUD, or, if the PUD is approved to be developed in sections or phases, if development equal to at least 50 percent of the cost of installing streets, utilities and drainage in the first section or phase of the PUD has not occurred, on a planned unit development tract or lot within two years after the date of approval, such approval shall expire; and may only be renewed after application is made therefor, notice is given and public hearings are held by the commission and city council to evaluate the appropriateness of the previously authorized planned development approval. Any such application for renewal or extension shall be considered in the same manner, and under the same rules, regulations and ordinances then in effect, as a new application for zoning.~~

(b)(8) – Reserved

- Rationale: Our zoning procedures for a Planned Unit Development (PUD) had included a section on the PUD zoning expiring after it had been approved by P&Z and Council but before plats or improvements had been constructed. Zoning entitlements cannot expire once approved so this section has been completely removed.

AN ORDINANCE OF THE CITY OF MANOR, TEXAS

ORDINANCE NO. _____

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				
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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

(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	
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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
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	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 of 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, word 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 ___ day of December 2020.

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

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

AGENDA ITEM NO. _____



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: December 9, 2020
PREPARED BY: Scott Dunlop, Assistant Development Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve the Planning and Zoning Commission minutes of the November 12, 2020, Called Special Session.

BACKGROUND/SUMMARY:

EnterTextHere

LEGAL REVIEW:

FISCAL IMPACT:

PRESENTATION:

ATTACHMENTS: Yes

- November 12, 2020, Called Special Session Minutes

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the Planning and Zoning Commission approve the minutes of the November 12, 2020 Called Special Session.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**



**PLANNING AND ZONING COMMISSION
CALLED SPECIAL SESSION MINUTES
NOVEMBER 12, 2020
Via Telephone/Video Conference
(Zoom Meeting)**

The meeting was live streamed on Manor Facebook Live Beginning at 6:30 p.m.
<https://www.facebook.com/cityofmanor/>

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in person meetings that assemble large groups of people the Planning and Zoning Commission Special Meeting scheduled for Thursday, November 12th, will only be open to the public via remote access.

Instructions for Public Speaking:

- *Members of the public that wish to speak during public comments, public hearing or an agenda item will need to register in advance by visiting www.cityofmanor.org where a registration link will be posted on the calendar entry for each public meeting. You will register by filling in the speaker card available for that specific meeting and submitting it to publiccomments@cityofmanor.org. Once registered, instructions will be emailed to you on how to join the videoconference by calling in. Your Speaker Card must be received two (2) hours prior to scheduled meeting.*

Upon receiving instructions to join zoom meeting the following rules will apply:

- *All speakers must address their comments to the Chairperson rather than to individual Commission Members or city staff. Speakers should speak clearly into their device and state their name and address prior to beginning their remarks. Speakers will be allowed three (3) minutes for testimony. Speakers making personal, impertinent, profane or slanderous remarks may be removed from the meeting.*

ROLL CALL VIA ZOOM:

Philip Tryon, Chairperson, Place 3 (Absent)

COMMISSIONERS:

Julie Leonard, Vice-Chair, Place 1 (Absent)

Jacob Hammersmith, Place 2

Isaac Rowe, Place 4

Ruben J. Cardona, Place 5

Cecil Meyer, Place 6

Lakesha Small, Place 7

CITY STAFF:

Scott Dunlop, Assistant Development Services Director

REGULAR SESSION – 6:30 P.M.

With a quorum of the Planning and Zoning (P&Z) Commission present via video/telephone conference, the Called Special Session of the Manor P&Z Commission was called to order by Commissioner Small at 6:33 p.m. on Thursday, November 12, 2020.

PUBLIC COMMENTS

No one appeared to speak at this time.

PUBLIC HEARING

- 1. Conduct a public hearing on a rezoning request for Lot 1, Block A, Cottonwood Estates and being 1.38 acres, more or less, and being located at 15501 US Hwy 290 E, Elgin, TX from Agricultural (A) to Medium Commercial (C-2). Owner: K&R Trading Inc. Applicant: K&R Trading Inc.**

Commissioner Small opened the public hearing.

The City staff recommended that the P&Z Commission conduct the public hearing.

Assistant Development Services Director Dunlop gave a brief summary and was available to answer questions posed by the P&Z Commission.

MOTION: Upon a motion made by Commissioner Hammersmith and Seconded by Commissioner Rowe, the P&Z Commission voted five (5) For and none (0) Against to close the public hearing. The motion carried unanimously.

- 2. Conduct a public hearing on a rezoning request for Lot 1, Block T, Presidential Heights Phase 4 and being 1.341 acres, more or less, and being located at the northeast corner of Samuel Welch Way and George Mason Avenue, Manor, TX from Single Family (SF-1) to Light Commercial (C-1). Owner: West Elgin Development Corp. Applicant: Kimley-Horn and Associates**

Commissioner Small opened the public hearing.

The City staff recommended that the P&Z Commission conduct the public hearing.

Assistant Development Services Director Dunlop gave a brief summary and was available to answer questions posed by the P&Z Commission.

Shari Cole, 13520 Arthur Vandenburg Way, Manor, TX, presented a letter regarding her concerns with the zoning of this property. Ms. Cole expressed in her letter her opposition to C-1 zoning but was in favor of Neighborhood Business zoning.

Josh Miksch with Kimley-Horn & Associates, 10814 Jollyville Rd., Bldg 4, Suite 200, Austin, TX, submitted a speaker card in support of this item.

Rob Smith with Kimley Horn, 10814 Jollyville Rd., Avallon IV, Suite 200, Austin, TX, submitted speaker card on this item, however; he did not wish to speak but was available to answer questions.

Danny Burnett with Dwyer Realty Companies, 9900 Hwy 290 East, Manor, TX, submitted speaker card in support of this item. Mr. Burnett spoke briefly on original concept plans by developer and his support of C-1 zoning and not Neighborhood Business. Mr. Burton answered questions posed by commissioners.

MOTION: Upon a motion made by Commissioner Hammersmith and Seconded by Commissioner Cardona, the P&Z Commission voted five (5) For and none (0) Against to close the public hearing. The motion carried unanimously.

- 3. Conduct a public hearing on a rezoning request for Lots 11-20, Block 10, Town of Manor and being 0.66 acres, more or less, and being located along the 200 Block West Burton Street, Manor, TX from Light Commercial (C-1) to Multi-Family 25 (MF-2). Owner: Housing Authority of Travis County. Applicant: Carney Engineering, PLLC.**

Commissioner Small opened the public hearing.

The City staff recommended that the P&Z Commission conduct the public hearing.

Assistant Development Services Director Dunlop gave a brief summary and was available to answer questions posed by the P&Z Commission.

MOTION: Upon a motion made by Commissioner Rowe and Seconded by Commissioner Hammersmith, the P&Z Commission voted five (5) For and none (0) Against to close the public hearing. The motion carried unanimously.

CONSENT AGENDA

4. Consideration, discussion, and possible action to approve the Planning and Zoning Commission minutes.

- **September 9, 2020, Regular Session Minutes;**
- **October 14, 2020, Regular Session; and**
- **October 21, 2020, Called Special Session**

MOTION: Upon a motion made by Commissioner Hammersmith and Seconded by Commissioner Rowe, the P&Z Commission voted five (5) For and none (0) Against to approve the consent agenda. The motion carried unanimously.

REGULAR AGENDA

5. Consideration, discussion and possible action on a rezoning request for Lot 1, Block A, Cottonwood Estates and being 1.38 acres, more or less, and being located at 15501 US Hwy 290 E, Elgin, TX from Agricultural (A) to Medium Commercial (C-2). Owner: K&R Trading Inc. Applicant: K&R Trading Inc.

The City staff recommended that the P&Z Commission approve a rezoning request for Lot 1, Block A, Cottonwood Estates and being 1.38 acres, more or less, and being located at 15501 US Hwy 290 E, Elgin, TX from Agricultural (A) to Medium Commercial (C-2).

MOTION: Upon a motion made by Commissioner Cardona and Seconded by Commissioner Meyer, the P&Z Commission voted five (5) For and none (0) Against to approve a rezoning request for Lot 1, Block A, Cottonwood Estates and being 1.38 acres, more or less, and being located at 15501 US Hwy 290 E, Elgin, TX from Agricultural (A) to Medium Commercial (C-2). The motion carried unanimously.

6. Consideration, discussion and possible action on a rezoning request for Lot 1, Block T, Presidential Heights Phase 4 and being 1.341 acres, more or less, and being located at the northeast corner of Samuel Welch Way and George Mason Avenue, Manor, TX from Single Family (SF-1) to Light Commercial (C-1). Owner: West Elgin Development Corp. Applicant: Kimley-Horn and Associates.

The City staff recommended that the P&Z Commission approve a rezoning request for Lot 1, Block T, Presidential Heights Phase 4 and being 1.341 acres, more or less, and being located at the northeast corner of Samuel Welch Way and George Mason Avenue, Manor, TX from Single Family (SF-1) to Neighborhood Business (NB).

Josh Miksch with Kimley-Horn & Associates, 10814 Jollyville Rd., Bldg 4, Suite 200, Austin, TX, submitted a speaker card in support of this item.

Rob Smith with Kimley Horn, 10814 Jollyville Rd., Avallon IV, Suite 200, Austin, TX, submitted speaker card on this item, however; he did not wish to speak but was available to answer questions.

Danny Burnett with Dwyer Realty Companies, 9900 Hwy 290 East, Manor, TX, submitted speaker card in support of this item. Mr. Burnett answered questions from commissioners.

MOTION: Upon a motion made by Commissioner Cardona to approve a rezoning request for Lot 1, Block T, Presidential Heights Phase 4 and being 1.341 acres, more or less, and being located at the northeast corner of Samuel Welch Way and George Mason Avenue, Manor, TX from Single Family (SF-1) to Light Commercial (C-1). Motion failed due to no second of the motion.

MOTION: Upon a motion made by Commissioner Rowe and Seconded by Commissioner Cardona, the P&Z Commission voted four (4) For and one (1) Against to approve a rezoning request for Lot 1, Block T, Presidential Heights Phase 4 and being 1.341 acres, more or less, and being located at the northeast corner of Samuel Welch Way and George Mason Avenue, Manor, TX from Single Family (SF-1) to Neighborhood Business (NB). The motion carried. Commission Meyer voted against.

7. Consideration, discussion and possible action on a rezoning request for Lots 11-20, Block 10, Town of Manor and being 0.66 acres, more or less, and being located along the 200 Block West Burton Street, Manor, TX from Light Commercial (C-1) to Multi-Family 25 (MF-2). Owner: Housing Authority of Travis County. Applicant: Carney Engineering, PLLC.

The City staff recommended that the P&Z Commission approve a rezoning request for Lots 11-20, Block 10, Town of Manor and being 0.66 acres, more or less, and being located along the 200 Block West Burton Street, Manor, TX from Light Commercial (C-1) to Multi-Family 25 (MF-2).

MOTION: Upon a motion made by Commissioner Hammersmith and Seconded by Commissioner Rowe, the P&Z Commission voted five (5) For and none (0) Against to approve a rezoning request for Lots 11-20, Block 10, Town of Manor and being 0.66 acres, more or less, and being located along the 200 Block West Burton Street, Manor, TX from Light Commercial (C-1) to Multi-Family 25 (MF-2). The motion carried unanimously.

8. Consideration, discussion and possible action on a joined lot affidavit to join Lots 2 and 3, Block 11, Town of Manor, locally known as 109 East Murray Ave. Owner: Eric and Rebekah Thomason. Applicant: Eric and Rebekah Thomason.

The City staff recommended that the P&Z Commission approve a joined lot affidavit to join Lots 2 and 3, Block 11, Town of Manor, locally known as 109 East Murray Ave.

MOTION: Upon a motion made by Commissioner Hammersmith and Seconded by Commissioner Cardona, the P&Z Commission voted five (5) For and none (0) Against to approve a joined lot affidavit to join Lots 2 and 3, Block 11, Town of Manor, locally known as 109 East Murray Ave. The motion carried unanimously.

9. Consideration, discussion and possible action on a Final Plat for Manor Heights Phase 1, Section 1, one hundred ninety-one (191) lots on 110.52 acres, more or less, and being located near the intersection of Bois D’Arc Road and Tower Road, Manor, TX. Owner: Forestar (USA) Real Estate Group, Inc. Applicant: Kimley-Horn and Associates

The City staff recommended that the P&Z Commission approve a Final Plat for Manor Heights Phase 1, Section 1, one hundred ninety-one (191) lots on 110.52 acres, more or less, and being located near the intersection of Bois D’Arc Road and Tower Road, Manor, TX.

Alex Granados with Kimley Horn Associates, 10814 Jollyville Rd., Building 4, Suite 200, Austin, TX, submitted speaker card on this item, however; he did not wish to speak but was available to answer questions.

MOTION: Upon a motion made by Commissioner Hammersmith and Seconded by Commissioner Meyer, the P&Z Commission voted five (5) For and none (0) Against to approve a Final Plat for Manor Heights Phase 1, Section 1, one hundred ninety-one (191) lots on 110.52 acres, more or less, and being located near the intersection of Bois D’Arc Road and Tower Road, Manor, TX. The motion carried unanimously.

ADJOURNMENT

MOTION: Upon a motion made by Commissioner Meyer and Seconded by Commissioner Cardona, the P&Z Commission voted five (5) For and none (0) Against to adjourn the called special session of the P&Z Commission meeting at 7:32 p.m. on Thursday, November 12, 2020. The motion carried unanimously.

These minutes approved by the Manor P&Z Commission on the 9th day of December 2020.

APPROVED:

Philip Tryon
Chairperson

ATTEST:

Scott Dunlop
Assistant Development Services Director



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: December 9, 2020
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance amending Chapter 14, Zoning, of the Manor 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; and amending planned unit development procedures

BACKGROUND/SUMMARY:

See backup for details on changes

LEGAL REVIEW: *Yes, to form*
FISCAL IMPACT: *NO*
PRESENTATION: *NO*
ATTACHMENTS: *YES*

- Zoning changes
- Ordinance

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the Planning and Zoning Commission approve an ordinance amending Chapter 14, Zoning, of the Manor 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; and amending planned unit development procedures

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**

Section 14.01.008 – Definitions

Child care center (~~intermediate~~) means a facility other than the residence of the director, owner, or operator of the facility (~~including nonresidential structures~~) which provides custodial care and supervision for less than 24 hours a day to children under 14 years of age ~~for between seven and 12 children~~, excluding foster and group homes. ~~The facility must contain a minimum 150 square feet of floor area for each child.~~

- Rationale: We have 2 definitions for Child Care Center; (intermediate) and (large) with them being substantially similar except (intermediate) limited the operation to between 7 and 12 children. They we both permitted in the same zoning districts so having have 2 types of Child Care Centers was not necessary. This modification removes (intermediate) and renames (large) to just Child Care Center and removes the limits on the number of children. Those numbers are governed by State licensing requirements.

Community Garden means a single piece of land gardened and maintained collectively by a group of people. Community gardens utilize either individual or shared plots on private or public and while producing fruit, vegetables, and/or plants grown for their attractive appearance.

- Rationale: A resident had expressed an interest in starting a community garden, but our code did not provide a clear way to do that. This adds the definition and its use if further refined in later sections.

Florist means an establishment for the sale of flowers, ornamental plants and related supplies.

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.

- Rationale: The addition of Florist and Garden Center go together. Our previous references to Florist in our code was a hybrid of a florist shop and a garden center depending on the zone it was located in. In Neighborhood Business and Light Commercial greenhouses were prohibited, while they were permitted in Medium and Heavy Commercial so essentially only a “florist” would locate in NB and C-1, while a florist similar to a garden center could locate in C-2 and C-3. This modification clarifies what a Florist is vs what a Garden Center as well as further refining those uses in later sections.

Privacy fence means a construction, ~~not considered a structure~~, 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.~~

- This change in the Privacy Fence better aligns the definition with our Subdivision Code that stipulates structures are not permitted in easements or rights-of-way unless they are necessary for the function of the easement or ROW so this change clarifies that a fence in an easement or ROW is a structure.

Section 14.02.005 – Residential Land Use Table

- (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.

Change 14.02.005(a) to 14.02.005(b)

Change 14.02.005(b) to 14.02.005(c)

- Rationale: Section (a) clarifies what the letter designations in our Residential Land Use Table mean; P = permitted, C = conditions, and S = specific use permit required. The current sections (a) and (b) are changed to (b) and (c).

Child Care Center (small) “C/S” in A, SF-E, SF-1, SF-2, TF, TH

- Rationale: Child Care Center (small) is a home-based daycare. It previously was only mentioned in the definitions section, so this adds it to the list of non-residential uses in residential districts. The requirements to operate one and the need for a specific use permit are unchanged.

Community Garden “C” in A, SF-E, SF-1, SF-2, TF, TH

- This adds Community Gardens as a permitted with conditions use to certain residential districts. The conditions are added in a later section. This would allow residents or an HOA to establish a community garden in their neighborhood without having to rezone the property.

Section 14.02.006 Residential land use conditions table

Agriculture – add Sales of agricultural products are prohibited from the property except sales in compliance with Texas Health and Safety Code Chapter 437

- This adds to the existing conditions for an agricultural operation on residential zoned property that sales of the products are prohibited unless allowed by State law. That State law reference is for Cottage Foods like baked goods that don't require time and temperature controls and can be manufactured and sold from a home-based business.

Child Care Center (small) - 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

- This adds the conditions under which a home-based daycare be established (a specific use permit would also be required, and that SUP could modify these conditions).

Community Garden – Limited to 1 acre, Not permitted on a property with a dwelling unit, Sales of agricultural products are prohibited except from property zoned Agricultural

- This adds the conditions to a Community Garden that is established in a residential zoning district.

Section 14.02.007 Residential Development Standards

TH – Interior side setback: 0' attached, ~~15' detached~~ 10' detached

Exterior side setback to residential (4): ~~10'-0'~~ attached, 5' detached, ~~25'-15'~~ common lot

Rear setback to residential (4): 20', (15') common lot

Rear setback to non-residential (4): 25', (15') common lot

Maximum dwelling units: 1/single lot, 12/acre (common lot)

Maximum units per structure: 1 single lot, 6 (common lot)

MF-1: Front setback: 20', (15')

Streetside setback: 15', (15')

- Rationale: The setback standards for Townhome district, interior and exterior side, were incorrect and would not have produced the intended product. This clarifies and allows for the types of Townhome developments typically constructed. The Maximum Dwelling Units were also clarified to include that if single lots are platted that only 1 dwelling unit is allowed per lot and the Maximum units per structure is 1 on a single and 6 on a common lot.
- The modifications to MF-15 add streetscape yards (landscaping requirements)

Section 14.02.017 – Non-Residential and Mixed-Use District Land Use Table

- (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.

Change 14.02.017(a) to 14.02.017(b)

Change 14.02.017(b) to 14.02.017(c)

- Rationale: Section (a) clarifies what the letter designations in our Non-Residential Land Use Table mean; P = permitted, C = conditions, and S = specific use permit required. The current sections (a) and (b) are changed to (b) and (c).

Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts

Child Care Center (large) is replaced with Child Care Center

Community Garden “C” in OS, I-1, I-2, NB, DB, C-1

Game Rooms “C/S” in C-1, C-2, C-3, ~~IN-2~~

Pawnshop ~~“C/S”~~ “C” in C-2, C-3, IN-1

Pet Store “C” in NB, DB, C-1, C-2, C-3.

Semi-permanent food establishment “C” in C-1, C-2, C-3

- Rationale:
 - Child Care Center (large) name is just replaced with Child Care Center.
 - Community Garden is added a permitted use with conditions in Open Space, Institutional (small), Institutional (large), Neighborhood Business, Downtown Business, and Light Commercial. Conditions are added in a later section
 - Game Rooms are clarified to match what is in the Game Rooms Ordinance so they are permitted with conditions and specific use permits in Light Commercial but removed as a use in Light Industrial
 - Pawnshops used to required a specific use permit as well as have conditions on the use but State law does not allow a city to require a Pawnshops to have to

obtain specific use permits. The conditions on the use remain, like distance from other pawnshops, schools, and churches.

- Pet Stores were a defined use but not included in the list of permitted uses, so this adds them in Neighborhood Business, Downtown Business, Light, Medium and Heavy Commercial. Conditions on the use are added in a later section.
- Semi-permanent food establishments (food trucks) were not included in the list of permitted uses so this adds them in Light, Medium, and Heavy Commercial. Conditions on the use are added in a later section.

Section 14.02.018 Non-Residential and Mixed-Use District Conditions.

Light Commercial (C-1)	<ul style="list-style-type: none"> ● Uses be conducted entirely within an enclosed building except for delivery, gasoline sales, dining and patio areas associated with a restaurant, food and beverage sale use, and mobile food vendors. ● 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
	<ul style="list-style-type: none"> ● Outdoor displays must be in accordance with section 14.02.049
	<ul style="list-style-type: none"> ● Merchandise be new, first-hand and sold on premises, except for antique shops
	<ul style="list-style-type: none"> ● 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.

- Rationale: This change removes the strict requirements for what uses are allowed to have outdoor components and allows the Director of Development Services to determine the appropriateness. This change was mostly driven by the addition of Garden Centers as a permitted with conditions use in Light Commercial and the normal operations of that use include outdoor display/storage of plants and associated materials so rather than continually add what uses can have outdoor uses this change allows the Director to determine the appropriateness.

Section 14.02.019 Non-residential and mixed-use land use conditions

Community Garden – 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)

Florist – ~~In neighborhood business (NB), downtown business (DB), and light commercial (C-1) greenhouses are prohibited, The area containing the plants and other accessory materials or products, e.g. soil, mulch, sod, pots and containers, etc., is enclosed within a fenced area, Stacked materials do not exceed the height of a screening fence, Where permitted, greenhouses are placed to the rear of the property.~~

Garden Center - 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.

Pet Store – Sales of any animal, domestic or otherwise, requires a Commercial Sales Permit under Section 2.03.006

Semi-permanent food establishment – see Article 4.03 Peddlers, Solicitors, Food Vendors, Special Events and Outdoor Sales

- Rationale: These are the conditions on the uses that were added or modified in the previous sections in Non-residential districts.
 - Community Gardens allow the sale of agricultural products when a temporary use permit is granted for the sale of seasonal products or a farmers market permit.
 - Florist conditions are modified to just exclude greenhouses
 - Garden Center – the conditions that used to be on florists are moved to Garden Centers, but not the provision about where greenhouses are located
 - Pet Stores – added so concurrence with our Animal Control ordinance is adhered too
 - Semi-permanent food establishment – added so concurrence with our Vendor/Peddler ordinance is adhered too

Section 14.02.049(c) – Outdoor Storage and Display

(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 of 500 square feet, whichever is less with the following 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 screened 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.

- Rationale: This changes to the outdoor display and storage are meant to allow for Garden Center uses in the ways they traditionally operate their businesses with much of the product being in outdoor or partially covered areas.

Section 14.02.061(b)(1) Single Family Detached and Two-Family

(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, whichever is wider, may occupy no more than 50 percent of the house linear frontage, and may protrude no more than six feet from the longest front wall.~~ 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
- Rationale: Garage door percentages had been capped at 50% to limit the visual impact of garage doors on the streetscape. This amendment allows them to go up to 65% but adds architectural elements; 1 if the garage door percentage is 50% or lower and 3 elements if it's 51% - 65% and provides a list of elements. This provides more flexibility in design while maintain the intent of the code.

Section 14.05.002(b)(8) Procedures

~~(8) Expiration. If development equal to at least 25 percent of the cost of installing streets, utilities and drainage in the PUD, or, if the PUD is approved to be developed in sections or phases, if development equal to at least 50 percent of the cost of installing streets, utilities and drainage in the first section or phase of the PUD has not occurred, on a planned unit development tract or lot within two years after the date of approval, such approval shall expire; and may only be renewed after application is made therefor, notice is given and public hearings are held by the commission and city council to evaluate the appropriateness of the previously authorized planned development approval. Any such application for renewal or extension shall be considered in the same manner, and under the same rules, regulations and ordinances then in effect, as a new application for zoning.~~

(b)(8) – Reserved

- Rationale: Our zoning procedures for a Planned Unit Development (PUD) had included a section on the PUD zoning expiring after it had been approved by P&Z and Council but before plats or improvements had been constructed. Zoning entitlements cannot expire once approved so this section has been completely removed.

AN ORDINANCE OF THE CITY OF MANOR, TEXAS

ORDINANCE NO. _____

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				
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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

(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	
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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
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	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 of 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 ___ day of December 2020.

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

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

AGENDA ITEM NO. _____



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: December 9, 2020
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on appointing a Planning and Zoning Commission Chairperson to serve a 1-year term.

BACKGROUND/SUMMARY:

LEGAL REVIEW: *Not Applicable*
FISCAL IMPACT: *NO*
PRESENTATION: *NO*
ATTACHMENTS: *NO*

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the Planning and Zoning Commission appoint a Chairperson to serve a 1-year term.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**

AGENDA ITEM NO. _____



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: December 9, 2020
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on appointing a Planning and Zoning Commission Vice-Chair to serve a 1-year term.

BACKGROUND/SUMMARY:

LEGAL REVIEW: *Not Applicable*
FISCAL IMPACT: *NO*
PRESENTATION: *NO*
ATTACHMENTS: *NO*

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the Planning and Zoning Commission appoint a Vice-Chair to serve a 1-year term.

PLANNING & ZONING COMMISSION:	Recommend Approval	Disapproval	None
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AGENDA ITEM NO. _____



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: December 9, 2020
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on appointing two Planning and Zoning Commission members to serve 1-year terms on the Tree Advisory Committee.

BACKGROUND/SUMMARY:

These appointments will be forwarded to the City Council who will make the final appointment. The Tree Advisory Committee is made up of 2 P&Z members plus the members of City Council Park Committee.

LEGAL REVIEW: *Not Applicable*
FISCAL IMPACT: *NO*
PRESENTATION: *NO*
ATTACHMENTS: *NO*

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the Planning and Zoning Commission appoint two members to serve 1-year terms on the Tree Advisory Committee.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**

AGENDA ITEM NO. _____



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: December 9, 2020
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a Subdivision Calendar for 2021

BACKGROUND/SUMMARY:

This calendar sets the dates when subdivision applications filed under the Standard Process can be submitted, when they'll be accepted, and when comments will be provided.

LEGAL REVIEW: *Not Applicable*
FISCAL IMPACT: *NO*
PRESENTATION: *NO*
ATTACHMENTS: *YES*

- 2021 Subdivision Calendar

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the Planning and Zoning Commission approve the 2021 Subdivision Calendar.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**

2021 Subdivision Calendar

Item 7.

January 2021							
W	S	M	T	W	T	F	S
53						1	2
1	3	4	5	6	7	8	9
2	10	11	12	13	14	15	16
3	17	18	19	20	21	22	23
4	24	25	26	27	28	29	30
5	31						

- 1 New Year's Day – City Closed
- 12 Resubmittal Applications
- 13 1st App Completeness Check
- 13 Planning Commission
- 18 Martin Luther King - City Closed
- 19 Pre-Development Meeting
- 26 1st Application Submittal
- 27 Resubmittal App Comp Check

July 2021							
W	S	M	T	W	T	F	S
26					1	2	3
27	4	5	6	7	8	9	10
28	11	12	13	14	15	16	17
29	18	19	20	21	22	23	24
30	25	26	27	28	29	30	31

- 5 Independence Day – City Closed – Observed Holiday
- 13 1st App Completeness Check
- 14 Resubmittal Applications
- 14 Planning Commission
- 20 Pre-Development Meeting
- 27 1st Application Submittal
- 28 Resubmittal App Comp Check

February 2021							
W	S	M	T	W	T	F	S
5		1	2	3	4	5	6
6	7	8	09	10	11	12	13
7	14	15	16	17	18	19	20
8	21	22	23	24	25	26	27
9	28						

- 9 Resubmittal Applications
- 9 1st App Completeness Check
- 10 Planning Commission
- 15 President's Day - City Closed
- 22 Pre-Development Meeting
- 24 Resubmittal App Comp Check

August 2021							
W	S	M	T	W	T	F	S
31	1	2	3	4	5	6	7
32	8	9	10	11	12	13	14
33	15	16	17	18	19	20	21
34	22	23	24	25	26	27	28
35	29	30	31				

- 10 1st App Completeness Check
- 11 Resubmittal Applications
- 11 Planning Commission
- 23 Pre-Development Meeting
- 25 Resubmittal App Comp Check
- 30 1st Application Submittal

March 2021							
W	S	M	T	W	T	F	S
9		1	2	3	4	5	6
10	7	8	9	10	11	12	13
11	14	15	16	17	18	19	20
12	21	22	23	24	25	26	27
13	28	29	30	31			

- 1 1st Application Submittal
- 2 Texas Independence Day - City Closed
- 10 Planning Commission
- 16 1st App Completeness Check
- 17 Resubmittal Applications
- 22 Pre-Development Meeting
- 29 1st Application Submittal
- 31 Resubmittal App Comp Check

September 2021							
W	S	M	T	W	T	F	S
35				1	2	3	4
36	5	6	7	8	9	10	11
37	12	13	14	15	16	17	18
38	19	20	21	22	23	24	25
39	26	27	28	29	30		

- 6 Labor Day – City Closed
- 8 Planning Commission
- 14 1st App Completeness Check
- 15 Resubmittal Applications
- 20 Pre-Development Meeting
- 27 1st Application Submittal
- 29 Resubmittal App Comp Check

April 2021							
W	S	M	T	W	T	F	S
13					1	2	3
14	4	5	6	7	8	9	10
15	11	12	13	14	15	16	17
16	18	19	20	21	22	23	24
17	25	26	27	28	29	30	

- 2 Good Friday – City Closed
- 13 1st App Completeness Check
- 14 Resubmittal Applications
- 14 Planning Commission
- 20 Pre-Development Meeting
- 27 1st Application Submittal
- 28 Resubmittal App Comp Check

October 2021							
W	S	M	T	W	T	F	S
39						1	2
40	3	4	5	6	7	8	9
41	10	11	12	13	14	15	16
42	17	18	19	20	21	22	23
43	24	25	26	27	28	29	30
44	31						

- 11 Columbus Day – City Closed
- 12 1st App Completeness Check
- 13 Resubmittal Applications
- 13 Planning Commission
- 19 Pre-Development Meeting
- 26 1st Application Submittal
- 27 Resubmittal App Comp Check

May 2021							
W	S	M	T	W	T	F	S
17							1
18	2	3	4	5	6	7	8
19	9	10	11	12	13	14	15
20	16	17	18	19	20	21	22
21	23	24	25	26	27	28	29
22	30	31					

- 11 1st App Completeness Check
- 12 Resubmittal Applications
- 12 Planning Commission
- 25 Pre-Development Meeting
- 26 Resubmittal App Comp Check
- 31 Memorial Day – City Closed

November 2021							
W	S	M	T	W	T	F	S
44		1	2	3	4	5	6
45	7	8	09	10	11	12	13
46	14	15	16	17	18	19	20
47	21	22	23	24	25	26	27
48	28	29	30				

- 9 Resubmittal Applications
- 9 1st App Completeness Check
- 10 Planning Commission
- 11 Veterans Day- City Closed
- 23 Pre-Development Meeting
- 24 Resubmittal App Comp Check
- 25 Thanksgiving Day - City Closed
- 26 Thanksgiving Holiday - City Closed
- 30 1st Application Submittal

June 2021							
W	S	M	T	W	T	F	S
22			1	2	3	4	5
23	6	7	8	9	10	11	12
24	13	14	15	16	17	18	19
25	20	21	22	23	24	25	26
26	27	28	29	30			

- 1 1st Application Submittal
- 9 Planning Commission
- 15 Resubmittal Applications
- 15 1st App Completeness Check
- 18 Juneteenth – City Closed - Observed Holiday
- 21 Pre-Development Meeting
- 28 1st Application Submittal
- 30 Resubmittal App Comp Check

December 2021							
W	S	M	T	W	T	F	S
48				1	2	3	4
49	5	6	7	8	9	10	11
50	12	13	14	15	16	17	18
51	19	20	21	22	23	24	25
52	26	27	28	29	30	31	

- 8 Planning Commission
- 14 Resubmittal Applications
- 14 1st App Completeness Check
- 20 Pre-Development Meeting
- 24/25 Christmas Holiday
- 27 1st Application Submittal
- 29 Resubmittal App Comp Check
- 31 New Year's Day – City Closed – Observed Holiday