

ORDINANCE NO. 185-N

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING SECTION 63 OF ORDINANCE 185 AND ARTICLES I AND II OF ORDINANCE NO. 185-H, ZONING REGULATIONS AT TO ADD FOOD COURT ESTABLISHMENTS IN COMMERCIAL AND INDUSTRIAL DISTRICTS AS A CONDITIONAL USE; PROVIDE FOR CONDITIONS AND LIMITATIONS; AMENDING CONFLICTING ORDINANCES; SEVERABILITY; OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, certain types of food court establishment uses may be compatible uses within light commercial, heavy commercial, special commercial, light industrial, and heavy industrial zoning districts; and

Whereas, establishing minimum conditions and requirements to ensure that only compatible food court establishments are permitted in such zoning district areas;

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Definitions. Amendment of Article I, Section 5, Ordinance No. 185-H, Zoning Regulations. Article I, Section 5, Ordinance No. 185-H (the "Zoning Ordinance") is hereby amended to add the definitions of "Food Court Establishment" and "Mobile Food Unit" in the alphabetical list of definitions, to read as follows:

Food Court Establishment means a premises designed to accommodate three or more mobile food units that qualify as one the following:

(a) A restricted unit that offers only prepackaged food in individual servings, beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels, and packaged frozen foods; preparation, assembly or cooking of foods is not allowed; or

(b) An unrestricted unit that may serve food as allowed in (a), and may cook, prepare and assemble a full menu of food items;

(i) Except as provided in subsection (ii) below, an unrestricted unit must be secured and completely enclosed; and

(ii) Foods such as hot dogs, coffee, or shaved ice, or food with prior approval from the health authority, may be served from vehicles with three sides and a cover.

Mobile Food Unit means a food establishment operating from a vehicle or any portable structure on a trailer or wheels, that meets all the requirements of this ordinance and applicable local and state regulations.

Section 3. Amendment of Article II, Section 43, Ordinance No. 185-H, Zoning Regulations. Ordinance 185, Article II, Section 43, Light Commercial – District “C-1”, Zoning Ordinance, is hereby amended to add subsection (c) which shall read as follows:

- (c) Conditional Uses Permitted upon Authorization of Council.
 - (i) Food court establishment that complies with Section 63(e)(i)

Section 4. Amendment of Article II, Section 44, Ordinance No. 185-H, Zoning Regulations. Ordinance 185, Article II, Section 44, Heavy Commercial – District “C-2”, Zoning Ordinance, is hereby amended to add subsection (d) which shall read as follows:

- (d) Conditional Uses Permitted upon Authorization of Council.
 - (i) Food court establishment that complies with Section 63(e)(i)

Section 5. Amendment of Article II, Section 45, Ordinance No. 185-H, Zoning Regulations. Ordinance 185-H, Article II, Section 45, Special Commercial – District “C-3”, Zoning Ordinance, is hereby amended to delete the second subsection (b) Conditions and Limitations and replace it with subsection (c) which shall read as follows:

- (c) Conditions and Limitations.
 - (i) That it be conducted within a building and/or outdoor area that is improved with concrete, asphalt pavement or other all weather surface and that is suitably landscaped, screened or fenced.
 - (ii) That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance.
 - (iii) Adequate enclosures, space, shelters, and proper drainage and waste disposal to eliminate odor.
 - (iv) Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within twenty-five (25) feet of any Residential District. Signs may be illuminated but must be stationary non-flashing. All signs shall comply with all applicable provisions of this ordinance and any other applicable ordinance of the City.
 - (v) See the charts in Section 20 of ordinance 185, as amended.

Section 6. Amendment of Article II, Section 45, Ordinance No. 185-H, Zoning Regulations. Ordinance 185-H, Article II, Section 45, Special Commercial – District “C-3”, Zoning Ordinance, is hereby amended to add subsection (d) which shall read as follows:

- (d) Conditional Uses Permitted upon Authorization of Council.
 - (i) Food court establishment that complies with Section 63(e)(i)

Section 7. Amendment of Article II, Section 46, Ordinance No. 185-H, Zoning Regulations. Ordinance 185-H, Article II, Section 46, Light Industrial – District “IN-1”, Zoning Ordinance, is hereby amended to add subsection (e) which shall read as follows:

- (e) Conditional Uses Permitted upon Authorization of Council.
 - (i) Food court establishment that complies with Section 63(e)(i)

Section 8. Amendment of Article II, Section 47, Ordinance No. 185-H, Zoning Regulations. Ordinance 185-H, Article II, Section 47, Heavy Industrial – District “IN-2” is hereby amended to add subsection (e) which shall read as follows:

- (e) Conditional Uses Permitted upon Authorization of Council.
 - (i) Food court establishment that complies with Section 63(e)(i)

Section 9. Addition of Subsection (e) to Section 63, Zoning Ordinance. Section 63 of the Zoning Ordinance is hereby amended by adding subsection (e) to read as follows:

- (e) Specific Criteria for Conditional Uses.
 - (i) Food court establishments shall be subject to the following conditions and limitations, as well as any other conditions or limitations approved by the City Council:
 - (1) Food court establishments shall only be permitted along an arterial roadway.
 - (2) Food court establishments shall only be permitted on a property having frontage on two rights of way or having sufficient lot width to accommodate two driveways meeting current transportation criteria for the City of Manor.
 - (3) Food court establishments are not permitted within three hundred 300 feet of any property zoned for single family residential use.
 - (4) Facilities providing for permanent seating, including picnic tables, canopies, restrooms, and dumpster enclosures shall be provided as required by the City of Manor, City Council.
 - (5) Access must be approved by any right-of-way authority with jurisdiction to approve right-of-way access.
 - (6) There shall be on-premise parking areas sufficient to accommodate staffing needs and required seating areas. In the alternative or in addition to on-premise parking, the parking requirement of this subsection may be satisfied by parking area(s) on

one or more adjacent commercial properties, provided that the applicant has in place and maintains for the duration of use of the property as a food court establishment an agreement (or agreements) for the use of the adjacent commercial parking area(s) (the "parking access agreement.")

- (7) Parking areas must be an improved surface area which may consist of decomposed granite or similar construction.
 - (8) Proposed parking areas may not interfere with any existing commercial activities to include parking already being conducted upon the property.
 - (9) Food court establishments are not permitted within 500 feet of any other authorized and permitted Food Vendor Court. A site plan shall be submitted with the conditional use permit application indicating mobile food unit and other structure locations, including but not limited to restroom facilities, dumpster enclosures, on-premise parking, and other structures such as site built canopies or other shelters. If on-premise parking will be satisfied in whole or in part by parking on adjacent commercial property(ies), the site plan shall be accompanied by a copy of the parking access agreement for each property. If requested by the applicant, the City Council may allow the site plan to be prepared by someone other than a licensed engineer.
 - (10) Only mobile food units that hold a permit under Title 25, Part 1, Chapter 229, Subchapter K, Texas Administrative Code, as amended from time to time, may be located in a food court establishment.
 - (11) Food court establishments shall comply with the approved site plan, applicable local and state regulations, and any other conditions of the conditional use permit.
- (ii) The City Council may suspend or revoke a conditional use permit, after notice to the permit holder and a hearing, if the permit holder does not comply with this ordinance.

Section 10. Amendment of Conflicting Ordinances. Ordinance No. 185-H, the City's Zoning Ordinance, is hereby amended only as provided in this ordinance. All ordinances and parts of ordinances in conflict with this Ordinance are amended 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 11. Savings Clause. All rights and remedies of the City of Manor are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 12. Effective Date. This ordinance shall take effect immediately from and after its passage.

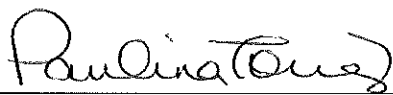
Section 13. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter. 551, Tex. Gov't. Code.*

PASSED AND APPROVED on First Reading on this 16th day of January, 2013.

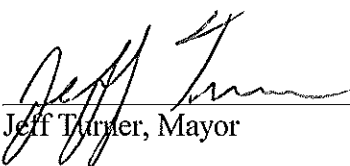
PASSED AND FINALLY APPROVED on this 6th day of February, 2013.

ATTEST:

THE CITY OF MANOR, TEXAS



Paulina Torres, City Secretary



Jeff Turner, Mayor