

**Ordinance No. 2012.05
Village of Salado
County of Bell
State of Texas
July 19, 2012**

ZONING USE CHART AMENDMENT

AN ORDINANCE AMENDING THE SALADO ZONING ORDINANCE, NO. 2010.07 ADDING RESTAURANT WITH MUSIC AND/OR DANCING AS A CONDITIONAL USE IN THE LOCAL RETAIL AND HISTORIC DISTRICTS, ADDING RESTAURANT THAT IS A MOBILE FOOD VENDOR AND/OR UNIT TO ALL NONRESIDENTIAL DISTRICTS, AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE & HEARING.

WHEREAS, the Village of Salado's (Village) Comprehensive Plan provides that future land uses should support the Village's unique retail opportunities, which include eating at local cafes, enjoying arts/cultural facilities and gathering for community events and festivals; and

WHEREAS, the Village's Comprehensive Plan provides that future land uses should contribute to the Village's economic well-being; and

WHEREAS, the Village's Comprehensive Plan provides that future land uses should further enable the residents of the Village to live, work, and recreate all within the Village itself; and

WHEREAS, the Village's Comprehensive Plan provides that the Village should honor its history, and use its history to bolster civic pride; and

WHEREAS, the Board of Aldermen find that allowing restaurants with music and/or dancing in local retail and historic districts will allow facilities in the Village to further enhance the Village's unique retail opportunities by creating a place where Village residents can enjoy the arts and culture of the Village and those facilities will allow the Village residents to gather for community events and festivals; and

WHEREAS, the Board of Aldermen find that allowing restaurants with music and/or dancing in local retail and historic districts will contribute to the Village's economic well-being; and

WHEREAS, the Board of Aldermen find that making restaurants with music and/or dancing in local retail and historic districts conditional will further enable the residents of the Village to live, work, and recreate all within the Village itself; and

WHEREAS, the Board of Aldermen find that making restaurants with music and/or dancing in local retail and historic districts conditional will allow facilities in the Village to create a place to honor its history, and to bolster its civic pride; and

WHEREAS, the Board of Aldermen find that allowing mobile food vendors/units in all nonresidential districts will allow facilities in the Village to further enhance the Village's unique retail opportunities by creating a place where Village residents can eat locally; and

WHEREAS, the Board of Aldermen find that allowing mobile food vendors/units in all nonresidential districts will contribute to the Village's economic well-being; and

WHEREAS, the Board of Aldermen find that allowing mobile food vendors/units in all nonresidential districts will further enable the residents of the Village to live, work, and recreate all within the Village itself; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the Village has broad authority to regulate zoning of land within the City's jurisdiction; and

WHEREAS, pursuant to Section 51.001 of the Texas Local Government Code, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF SALADO BOARD OF ALDERMEN:



1. ENACTMENT

Article IV, Section 4.1 and Article V, Section 5.3 of the Village of Salado Zoning Ordinance are hereby amended in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Ordinance and any struck-through text shall be deleted from the Ordinance, as stated on *Attachment A*.

2. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

Section 4.1: Use Regulations (Charts)

Permitted Uses	Residential Uses						Non-Residential Uses						
RETAIL	A	SF 21	SF 7	SF PH	SF A	MF 1	O	HD	LR	RR	MU	BP	C
Restaurant (With Drive Through Service)									P	P		P	P
Restaurant (Mobile Food Unit/Vendor )							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Restaurant (With Music and/or Dancing )								C	C				
General Retail Store								C	C	P	C	P	P

Section 5.8: Definitions

190. Municipal Facility or Use: Any area, land, building, structure or facility which is owned, used, leased or operated by the Village of Salado, Texas.

191. Music / Dancing Facility (Event): A facility in which music (live or DJ'd) and/or dancing is permitted for entertainment. Music/Dancing facility may include, but is not limited to, restaurants, private clubs, and private businesses.

191.192. Nonconforming Use: A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

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249. Restaurant (Drive-In Service): An eating establishment where food or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

250. Restaurant (Mobil Food Unit/Vendor): Any person who sells food products or takes food product orders from house to house, from place to place, or in a stationary location in the Village limits, and who sells such food out of a vehicle, wagon, cart or other conveyance used in the transportation of such food. (Food Handlers permit must be obtained from the Bell County Health District). Also see Solicitation Ordinance.

3. SEVERABILITY

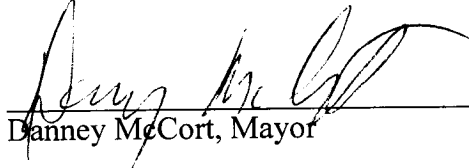
It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

4. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was 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.

PASSED AND APPROVED on this, the 19 day of July, 2012, by a vote of 3 ayes, 1 nays, and 0 abstentions of the Board of Aldermen.

THE VILLAGE OF SALADO, TEXAS



Danney McCort, Mayor

ATTEST:



Dianna Barker, Village Secretary