ORDINANCE NO. 72-22

AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF OAK RIDGE BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND BEING APPROXIMATELY 176.99 ACRES OF LAND IN THE S.A. & M.G.R.R. CO. SURVEY, ABSTRACT NO. 525, THE H. HOLT SURVEY, ABSTRACT NO. 232, AND THE P. WALKER SURVEY, ABSTRACT NO. 569, KAUFMAN COUNTY, TEXAS, GENERALLY BORDERED BY STATE HIGHWAY 34, COUNTY ROAD 130, AND ABNER ROAD, FROM "A"-AGRICULTURE TO PD -PLANNED DEVELOPMENT FOR SINGLE FAMILY RESIDENTIAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Oak Ridge, Texas (the "City") is authorized by Section 211.005, "Districts" of the Texas Local Government Code to zone property into districts; and

WHEREAS, the owner of the parcel of land within the City, being approximately 176.99 acres of land in the S.A. & M.G.R.R Co. Survey, Abstract No. 525, the H. Holt Survey, Abstract No. 232, and the P. Walker Survey, Abstract No. 569, generally bordered by State Highway 34, County Road 130, and Abner Road initiated this amendment to the Oak Ridge zoning map; and

WHEREAS, the Property is shown in **Exhibit A** and described by metes and bounds in **Exhibit B**, both of which are incorporated into this ordinance; and

WHEREAS, the Concept Plan for the Property is attached hereto as **Exhibit C**; and

WHEREAS, the City does not have a Planning and Zoning Commission; and

WHEREAS, the City Council of the City has published and mailed notices of the public hearing in compliance with Chapter 211 of the Local Government Code; and

WHEREAS, the City Council held a public hearing on the _____ day of _____, 2022, with respect to the zoning described herein; and

WHEREAS, the City Council finds that the proposed zoning change is consistent with the City's comprehensive plan and the goals and objectives of the City

and is necessary to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and to encourage the most appropriate use of land throughout the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS:

Section 1

The zoning for the Property, as described herein, is changed from "A" Agriculture to PD Planned Development for Single Family Residential for all uses allowed in the "SF" Single Family District as set forth in the City's zoning ordinance, Ordinance No. 16-11, as of the Effective Date (the "Zoning Ordinance. The Property shall be developed in accordance with following development standards:

- (a) Minimum lot size, including easements and floodplain: 35,100 square feet
- (b) Minimum lot width at the platted front building line: 140 feet, provided, however, residential lots fronting cul-de-sacs and/or "eyebrows/elbows" may be as narrow as 80 feet measured at the building line.
- (c) Minimum lot depth: 150 feet
- (d) Minimum front yard setback: 35 feet from the front property line
- (e) Minimum side yard setback:
 - (1) 10 feet, provided the minimum side yard adjacent to a street shall be 20 feet; and
 - Where a corner lot abuts on the side of a lot facing another intersecting street, the side yard on the corner lot is not required to equal the front yard required on the lot adjacent to the rear of the corner lot.
- (f) Minimum rear yard setback: 10 feet from the rear property line
- (g) Minimum dwelling size: 1,750 square feet
- (h) Minimum roof pitch for the predominant planes: 6:12, which shall not apply to shed roofs and ornamental features.
 - (i) Easements may be located in front yard, side yard and rear yard setbacks.

(j) Sprinklers are not required for any residential or accessory structure constructed on the Property.

Section 2

The purpose and intent of the PD granted herein is to allow single family residential lots.

Section 3

The Zoning Ordinance shall apply to the Property, unless any provision herein conflicts with the Zoning Ordinance, in which case the provisions of this ordinance shall prevail.

Section 4

The Concept Plan attached as **Exhibit C** is approved. No other development plans, including without limitation Land Use Plan and Detail Plan, are required.

Section 5

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in zoning referenced in this ordinance.

Section 6

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

Section 7

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 8

All rights or remedies of the City of Oak Ridge, Texas, are expressly saved as to any and all violations of the city's zoning ordinance, as amended, or any other ordinance affecting zoning and land use thereto that 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, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

Section 9

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 10

The City Secretary of the City of Oak Ridge, Texas, is hereby directed to publish in the official newspaper of the City of Oak Ridge, the caption, penalty clause, publication clause, and effective date clause of this Ordinance for two (2) days as required by section 52.012 of the Texas Local Government Code.

Section 11

This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED ON THIS 24th DAY OF APRIL 2023.

Al Rudin, Mayor

ATTEST:

Donna Sprague, City Secretary

Exhibit A – Page

Exhibit B Legal Description of Property

STATE OF TEXAS: COUNTY OF KAUFMAN:

1901459-1B

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE S.A. & M.G.R.R. CO. SURVEY, ABSTRACT NO. 525, THE H. HOLT SURVEY, ABSTRACT NO. 232, THE P. WALKER SURVEY, ABSTRACT NO. 569, KAUFMAN COUNTY, TEXAS, BEING KNOWN AS THOSE TRACTS OF LAND DESCRIBED IN DEED AS "FIRST TRACT, SECOND TRACT, A PORTION OF FIFTH TRACT AND SIXTH TRACT", TO JERRY R. ALLEN, DEANNA ADAMS AND JOANNA EASTON, RECORDED IN VOLUME 5124, PAGE 259, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER NEAR THE CENTER OF ABNER ROAD AND IN THE APPARENT SOUTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO FLOR SALDANA, RECORDED IN VOLUME 4622, PAGE 198, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT BEING THE RECOGNIZED NORTH CORNER OF SAID ALLEN "FIRST TRACT" AND THE APPARENT EAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED AS "TRACT 1" TO HUNT OIL COMPANY, RECORDED IN VOLUME 1023, PAGE 546, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, FROM WHICH A 1/2 INCH IRON ROD SET WITH YELLOW CAP STAMPED BG&A RPLS 5569 FOR WITNESS BEARS SOUTH 44 DEGREES 43 MINUTES 19 SECONDS WEST – 32.00 FEET;

THENCE SOUTH 45 DEGREES 14 MINUTES 00 SECONDS EAST, WITHIN SAID ABNER ROAD AND ALONG THE RECOGNIZED NORTHEAST LINE OF SAID ALLEN "FIRST TRACT", A DISTANCE OF 2387.06 FEET TO A POINT FOR CORNER NEAR THE CENTER OF SAID ABNER ROAD, SAID POINT BEING THE RECOGNIZED EAST CORNER OF SAID ALLEN "FIRST TRACT", FROM WHICH A "1" INCH IRON PIPE FOUND FOR WITNESS, THE APPARENT NORTH CORNER OF LOT 167 OF LAGO VISTA ESTATES, PHASE 3 ADDITION, RECORDED IN CABINET 2, ENVELOPE 722, PLAT RECORDS, KAUFMAN COUNTY, TEXAS BEARS SOUTH 44 DEGREES 39 MINUTES 02 SECONDS WEST – 31.07 FEET;

THENCE SOUTH 44 DEGREES 57 MINUTES 12 SECONDS WEST, ALONG THE RECOGNIZED SOUTHEAST LINE OF SAID ALLEN "FIRST TRACT" AND THE APPARENT NORTHWEST LINE OF SAID LOT 167, A DISTANCE OF 3691.77 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER IN THE RECOGNIZED SOUTHEAST LINE OF SAID ALLEN "FIFTH TRACT" AND THE APPARENT NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO KAUFMAN AND 1132 PARTNERS, LTD., RECORDED IN VOLUME 3196, PAGE 629, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT BEING THE SOUTH CORNER OF HEREIN DESCRIBED TRACT AND THE APPARENT EAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO ROBERT H. AND ANNIE R. ALLEN, RECORDED IN VOLUME 1010, PAGE 300, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 44 DEGREES 01 MINUTES 54 SECONDS WEST, OVER AND UPON SAID ALLEN "FIFTH TRACT", A DISTANCE OF 1673.47 FEET TO A 1/2 INCH IRON ROD SET WITH YELLOW CAP STAMPED BG&A RPLS 5569 FOR CORNER IN THE RECOGNIZED NORTHWEST LINE OF SAID ALLEN "FIFTH TRACT" AND THE APPARENT SOUTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO GOLDEN PROPERTY INVESTMENTS, LTD., RECORDED IN VOLUME 3033, PAGE 621, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 44 DEGREES 19 MINUTES 31 SECONDS EAST, ALONG THE RECOGNIZED NORTHWEST LINE OF SAID ALLEN "FIFTH TRACT" AND THE APPARENT SOUTHEAST LINE OF SAID WOOD TRACT, A DISTANCE OF 1474.37 FEET TO A 1/2 INCH IRON ROD FOUND FOR

CORNER IN THE RECOGNIZED SOUTHWEST LINE OF SAID ALLEN "FIRST TRACT", SAID POINT BEING THE RECOGNIZED NORTH CORNER OF SAID ALLEN "SECOND TRACT" AND THE APPARENT EAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO BRANDON CASAS, RECORDED IN VOLUME 3682, PAGE 230, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 45 DEGREES 47 MINUTES 37 SECONDS WEST, ALONG THE RECOGNIZED SOUTHWEST LINE OF SAID ALLEN "FIRST TRACT" AND THE APPARENT NORTHEAST LINE OF SAID CASAS TRACT (VOL. 3682, PG. 230), A DISTANCE OF 282.07 FEET TO A 1/2 INCH IRON ROD FOUND FOR ANGLE POINT, SAID POINT BEING THE APPARENT NORTH CORNER OF SAID CASA TRACT AND THE APPARENT EAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO ARTHUR M. MORGAN JR., RECORDED IN VOLUME 4352, PAGE 278, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 45 DEGREES 17 MINUTES 16 SECONDS WEST, ALONG THE RECOGNIZED SOUTHWEST LINE OF SAID ALLEN "FIRST TRACT" AND THE APPARENT NORTHEAST LINE OF SAID MORGAN TRACT, A DISTANCE OF 406.83 FEET TO A 1/2 INCH IRON ROD SET WITH YELLOW CAP STAMPED BG&A RPLS 5569 FOR CORNER IN THE APPARENT NORTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO BRANDON R. CASAS, RECORDED IN VOLUME 5266, PAGE 33, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT BEING THE RECOGNIZED WEST CORNER OF SAID ALLEN "FIRST TRACT" AND THE APPARENT SOUTH CORNER OF SAID "TRACT 1" HUNT OIL TRACT;

THENCE NORTH 44 DEGREES 43 MINUTES 21 SECONDS EAST, ALONG THE RECOGNIZED NORTHWEST LINE OF SAID ALLEN "FIRST TRACT" AND THE APPARENT SOUTHEAST LINE OF SAID "TRACT 1" HUNT OIL TRACT, A DISTANCE OF 2185.47 FEET TO THE PLACE OF BEGINNING AND CONTAINING 7,709,478.72 SQ. FT. OR 176.99 ACRES OF LAND.

Exhibit C Concept Plan