

ORDINANCE NO. {{item.sequential_number}}
(FY-24-16-ZC)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CITY-INITIATED REZONING TO AMEND PLANNED DEVELOPMENT ORDINANCE NUMBER 2006-4112 TO ALLOW FOR THE ISSUANCE OF A BUILDING PERMIT FOR A SINGLE-FAMILY DETACHED HOME ON A MINIMUM ONE LOT, MEASURING 50 FEET BY 110 FEET (MINIMUM OF 5,500 SQUARE FEET) WHERE SEWER IS AVAILABLE, LOCATED WITHIN THE HILDELL ESTATES SUBDIVISION, GENERALLY LOCATED NORTH OF ADAMS AVENUE, WEST OF SOUTH PEA RIDGE ROAD, AND GENERALLY BORDERED BY ALABAMA AVENUE, CEDAR ROAD, CARDINAL ROAD, AND ADAMS LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in an effort to reduce the number of potential Planned Development (PD) ordinance amendments, the City of Temple requests amending PD Ordinance No. 2006-4112 to allow for the development of a single-family residence on an individual recorded lot measuring 50 feet by 110 feet as originally platted by the Hildell Estates subdivision;

Whereas, the Hildell Estates subdivision plat was recorded in 1962 and did not benefit from the complete accommodation of both water and sewer facilities - while water has been extended throughout the entire subdivision, sewer lines are currently limited to the north and northeast portions of the subdivision;

Whereas, while the subdivision was originally platted with 50-foot by 110-foot lots, the lot size was insufficient to accommodate minimum septic field requirements of the Bell County Health District, which was problematic without combining individual lots - as a result, lots have been combined either by consolidation of the Bell County Tax Property Identification Number or by a formal replat process through the City, adding to confusion within the subdivision;

Whereas, in 1995, per Ordinance No. 95-2321, the City initiated a rezoning from Agricultural to PD with a base zoning of SF-3 for the Hildell Estates subdivision, identifying lots in Blocks 1 through 20 to allow single-family detached homes, industrialized housing and manufactured homes, in specific circumstances, on a minimum three lots containing a combined 16,500 square feet - later in 1996, per Ordinance No. 96-2415, this was expanded to include additional lots within Block 5 with the minimum 16,500-square-foot lot size requirement;

Whereas, most recently in 2006, per Ordinance No. 2006-4112, the combined minimum lot square footage was reduced - this reduction took the required three original size lots down to two original size lots and a minimum square footage of 11,000 square feet in order to accommodate the required septic field for lots without City sewer access;

Whereas, several new-build homes that have both water and sewer access were granted an approved building permit for development on individual lots measuring 50 feet by 110 feet - these homes did not receive a PD amendment prior to the building permit being issued;

Whereas, to eliminate future confusion and allow for building permits to be issued without a rezoning request for each proposed structure, Staff recommends this subdivision-wide PD amendment to clarify that, when both water and sewer are either already available or that these utilities are being extended to a lot, the City may issue a building permit for a single-family detached home after confirming these conditions are met;

Whereas, if a sewer line extension is proposed, the line is required to be to and through the lot to provide opportunity and availability for continuity of the line to the adjacent lot - a condition is proposed in this amendment to address this requirement;

Whereas, lots that do not meet the sewer availability either by extension or by directly fronting an existing sewer line will be required to meet the minimum on-site sewer facility (OSSF) requirements applicable at the time of the permit request in order to develop the lot;

Whereas, at its April 1, 2024 meeting, the Planning and Zoning Commission voted 5 to 0 to recommend approval;

Whereas, Staff recommends approval of the proposed amendment to Ordinance No. 2006-4112 to allow for development on a 50-foot by 110-foot platted lot within Hilledell Estates, subject to the following conditions:

1. Sewer must be available or, at the expense of the owner/developer, extended to and through the property;
2. A minimum of two trees having a minimum two-inch diameter at breast height (dbh) with at least one of the trees located in the front yard of an individual 50-foot by 110-foot lot;
3. Existing reference to the Bell County Sanitarian in Ordinance No. 2006-4112 shall be replaced with the Bell County Health District;
4. If City sewer is not available, OSSFs must be utilized, and all applicable OSSF rules must be met at time of septic permit application; and
5. All other conditions of approval of Ordinance No. 2006-4112, where applicable, remain in effect by reference.

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council approves a City-initiated rezoning to amend Planned Development Ordinance No. 2006-4112 to allow for the issuance of a building permit for a single-family detached home on a minimum one lot, measuring 50 feet by 110 feet (minimum of 5,500 square feet) where sewer is available, located within the Hilledell Estates subdivision, generally located north of Adams Avenue, west of South Pea Ridge Road, and generally bordered by Alabama Avenue, Cedar Road, Cardinal Road, and Adams Lane, subject to the following conditions:

1. Sewer must be available or, at the expense of the owner/developer, extended to and through the property;
2. A minimum of two trees having a minimum two-inch diameter at breast height (dbh) with at least one of the trees located in the front yard of an individual 50-foot by 110-foot lot;
3. Existing reference to the Bell County Sanitarian in Ordinance No. 2006-4112 shall be replaced with the Bell County Health District;
4. If City sewer is not available, on-site sewer facilities must be utilized, and all applicable OSSF rules must be met at time of septic permit application; and
5. All other conditions of approval of Ordinance No. 2006-4112, where applicable, remain in effect by reference.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any sections, paragraphs, sentence, clauses, or phrases of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such section, paragraph, sentence, clause or phrase.

Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: 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.

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **April, 2024**.

PASSED AND APPROVED on Second and Final Reading on the **2nd** day of **May, 2024**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney