

ORDINANCE NO. 2022-0038-O
(FY-22-2-AMND)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FOLLOWING AMENDMENTS TO THE TEMPLE UNIFIED DEVELOPMENT CODE: A) SECTION 5.1, TABLE OF USES, TO ALLOW WAREHOUSE OFFICE USE IN THE O-2 ZONING DISTRICT, SUBJECT TO SPECIFIED LIMITATIONS; B) SECTION 8.1.5, REQUIREMENTS OF RECORDED PLAT TO OBTAIN PERMITS, TO CLARIFY WHEN A RECORDED PLAT IS REQUIRED FOR THE ISSUANCE OF CERTIFICATES OF OCCUPANCY AND BUILDING PERMITS FOR RESIDENTIAL AND COMMERCIAL STRUCTURES; AND C) SECTION 8.2.1.D.4 (B), PROJECTIONS OF STREETS, TO AMEND THE REQUIREMENTS FOR STREET PROJECTION LOCATIONS WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION AND CREATE AN EXCEPTION WHEN IN PROXIMITY TO RAILROAD AND TEXAS DEPARTMENT OF TRANSPORTATION CONTROLLED ROADWAYS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff proposes amendments to the Use Table for clarification on Warehouse Office uses as well as associated “clean up” limitations that provide additional clarity and flexibility within the Unified Development Code (UDC) related to building permit issuance for commercial projects and certificate of occupancy requirements - additionally, projections of streets spacing requirements for subdivision approvals within the extraterritorial jurisdiction (ETJ) and language allowing for exceptions for proximity to natural or manmade barriers;

Section 5.1 Use Table and Limitations

Allow Warehouse Office use by right in Office Two zoning districts subject to the following limitations:

- Located on Community Collector roadways or higher classification; and
- Requires minimum of 20-foot landscape buffer from any adjacent residential uses;

Section 8.1.5

Change allows commercial building permits to be applied for and issued if plat is approved but held up in recordation for minor easement changes, but prevents certificate of occupancies unless recordation has occurred;

Section 8.2.1.D.4 (b)

Change allows for street openings an average of 1000 feet (1,500 feet in the ETJ) and provides for an exception which can be granted if the Planning Director, in his discretion finds a natural or manmade barrier such as a Texas Department of Transportation roadway, flood hazard area or railroad prevents implementation;

Whereas, at its June 6, 2022 meeting, the Planning and Zoning Commission voted to recommend approval;

Whereas, Staff recommends Council authorize amendments to the Temple Unified Development Code: a) Section 5.1, Table of Uses; Warehouse Office, the section to allow the use in the O-2 zoning district, subject to specified limitations; b) Section 8.1.5 Requirements of Recorded Plat to Obtain Permits by amending the section as to when a recorded plat is required for the issuance of certificates of occupancy and building permits for residential and commercial structures; and c) Section 8.2.1.D.4 (b) Projections of Streets by amending the requirements for street projection locations within City limits and the extraterritorial jurisdiction and creating an exception for proximity to railroad and Texas Department of Transportation controlled roadways; and

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 authorize amendments to the Temple Unified Development Code: a) Section 5.1, Table of Uses; Warehouse Office, the section to allow the use in the O-2 zoning district, subject to specified limitations; b) Section 8.1.5 Requirements of Recorded Plat to Obtain Permits by amending the section as to when a recorded plat is required for the issuance of certificates of occupancy and building permits for residential and commercial structures; and c) Section 8.2.1.D.4 (b) Projections of Streets by amending the requirements for street projection locations within City limits and the extraterritorial jurisdiction and creating an exception for proximity to railroad and Texas Department of Transportation controlled roadways.

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 phrase, clause, sentence, paragraph or section 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 phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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 **16th** day of **June, 2022.**

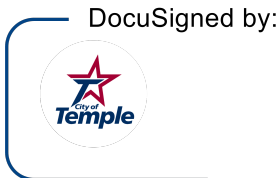
PASSED AND APPROVED on Second and Final Reading on the **7th** day of **July, 2022.**

THE CITY OF TEMPLE, TEXAS

ATTEST:

DocuSigned by:
Jana Lewellen

Jana Lewellen
City Secretary



DocuSigned by:
Timothy A. Davis

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

DocuSigned by:
Kathryn H. Davis

Kathryn H. Davis
City Attorney

5.3.34 Warehouse Office

A Warehouse Office located in the O-2 zoning district is permitted in accordance with the following limitations:

- A.** A Warehouse Office in O-2 must be located on community collector roadway or greater classification in the thoroughfare plan.
- B.** A Warehouse Office in O-2 requires a minimum of 20 foot landscape buffer from any adjacent residential uses.

8.1.5 Requirements for Recorded Plat to Obtain Permits

A residential building, ~~repair, plumbing or electrical~~ permit may not be issued for any structure in any subdivision for which a Final Plat has not been approved and filed for record in accordance with Sec. 3.6.6. A commercial building permit may be issued prior to plat recordation, provided the plat has been approved by the plat authority but pending minor informational changes such as easement recordation numbers. In such cases, no certificate of occupancy may be issued without recordation of the Final Plat.

Article 8.2.1 D

4. Projection of Streets

- b. Subdivisions must provide for the location of a reasonable number of street openings to adjoining properties. Such an opening must occur a minimum of an average of every 1,000 feet (1,500 feet in the ETJ) or in alignment with existing or proposed subdivision streets along each boundary of the subdivision. An exception ~~in accordance with the procedure set forth in 3.6.7 may be~~ can be granted to this requirement if the Planning Director, in his discretion, finds a natural or manmade barrier, such as a ~~thoroughfare-TXDOT roadway, flood hazard~~ area or railroad prevents its implementation.