

ORDINANCE NO. 60-20

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 231.068 ACRES IN THE PHILLIP WALKER SURVEY, ABSTRACT 569, AT THE SOUTHEAST QUADRANT OF ABNER ROAD AND COUNTY ROAD "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 231.068 acres of land in the Phillip Walker Survey, Abstract 569, at the southeast quadrant of Abner Road and County Road, initiated this amendment to the Oak Ridge zoning map; and

WHEREAS, approximately 27.137 acres of the Property was previously in the City's corporate limits and was zoned "A" Agricultural and the remainder of the Property was annexed by the City on July 13, 2020 by adoption Ordinance No. 58-20 and was zoned "A" Agricultural by default; 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 13th day of July, 2020, 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 regulations:

- (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: 40 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
 - (2) 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 13th DAY OF July 2020.

Al Rudin, Mayor

ATTEST:

Donna Sprague, City Secretary

Exhibit A
Property Depiction

Exhibit B
Property Description

Being a tract of land situated in the Phillip Walker Survey, Abstract No. 569, City of Oak Ridge, Kaufman County, Texas, being part of Tract 4 as conveyed to Hoodoo Land Holdings, L.L.C. by deed recorded in Document No. 2018-0000072, Official Public Records, Kaufman County, Texas and being part of the tracts as described as Tract V 1st Tract - 120 acre and 2nd Tract - 120 acres of land conveyed to Hunt Oil Company by deed recorded in Volume 1023, Page 546, Deed Records, Kaufman County, Texas, and being more particularly described as follows:

Beginning at the centerline intersection of County Road No. 138 (Wilson Road) and Abner Road and being the north corner of said 2nd Tract and the west corner of a 79.244 acre tract of land conveyed to Glenn B. Caldwell and Jessyca Y. Caldwell by deed recorded in Volume 1249, Page 503, Deed Records, Kaufman County, Texas;

Thence, South 46°07'12" East, along the centerline of Abner Road, the northeast lines of said 1st Tract and 2nd Tract, the southwest line of said 79.244 acre tract, the southwest line of an 11.650 acre tract of land conveyed to Dennis A. Lingle by deed recorded in Instrument No. 2008-00005301, Deed Records, Kaufman County, Texas, the southwest line of a 2.811 acre tract of land conveyed to Christina Miranda and Jose Miranda by deed recorded in Volume 5503, Page 344, Deed Records, Kaufman County, Texas, the southwest line of a 1.495 acre tract of land conveyed to Dale W. Plant and Deanna L. Plant by deed recorded in Volume 1988, Page 612, Deed Records, Kaufman County, Texas, the southwest line of a tract of land conveyed to Juan Delapaz by deed recorded in Volume 3536, Page 624, Deed Records, Kaufman County, Texas and the southwest line of a 10.313 acre tract of land conveyed to Hector Saenzpardo by deed recorded in Volume 5299, Page 365, Deed Records, Kaufman County, Texas, a distance of 3,068.57 feet to a mag nail set with washer for corner;

Thence, South 38°14'05" East, along the centerline of Abner Road, the southwest line of said 10.313 acre tract and the southwest line of a 128.065 acre tract of land conveyed to Flor Saldana by deed recorded in Volume 4622, Page 198, Deed Records, Kaufman County, Texas, a distance of 424.01 feet to a mag nail set with washer for corner;

Thence, South 46°26'41" East, along the centerline of Abner Road and the southwest line of said 428.065 acre tract, a distance of 985.66 feet to a mag nail set with washer for corner;

Thence, South 43°29'40" West, along the southeast line of said 1st Tract and the northwest line of a 127 acre tract of land conveyed to the Allen Family Revocable Living Trust by deed recorded in Volume 4902, Page 457, Deed Records, Kaufman County, Texas, at a distance of 30.00 feet to a 1/2" iron pin set with yellow cap stamped "CCG INC RPLS 5129" for reference and continuing along a fence for a total distance of 2,185.26 feet to a 1/2" iron pin found on the northeast line of a 5 acre tract of land

conveyed to Brandon R. Casas by deed recorded in Volume 5266, Page 33, Deed Records, Kaufman County, Texas and for the south corner of said 1st Tract and the west corner of said 127 acre tract;

Thence, North 46°31'09" West, along the southwest line of said 1st Tract, the northeast line of said Casas tract, the northeast line of a 5 acre tract of land conveyed to John Arthur Craig and Wilma Pauline Craig Revocable Trust by deed recorded in Volume 3467, Page 11, Deed Records, Kaufman County, Texas, the northeast line of a 5.015 acre tract of land conveyed to Jury Jamison Jones by deed recorded in Volume 4448, Page 171, Deed Records, Kaufman County, Texas, the northeast line of a 4.95 acre tract of land conveyed to Jury Jamison Jones by deed recorded in Volume 5559, Page 231, Official Public Records, Kaufman County, Texas, the northeast line of a 1.002 acre tract of land conveyed to Sarah Thornton and Jacob Thornton by deed recorded in Volume 5455, Page 286, Official Public Records, Kaufman County, Texas, the northeast line of a 1.000 acre tract of land conveyed to Anthony Brigham and Penny Brigham by deed recorded in Volume 1641, Page 72, Deed Records, Kaufman County, Texas, the northeast line of a 1.000 acre tract of land conveyed to Shawn L. McMillan by deed recorded in Volume 4156, Page 347, Official Public Records, Kaufman County, Texas, the northeast line of a tract of land conveyed to Tarek Abdo and Shirley Abdo by deed recorded in Volume 715, Page 406, Deed Records, Kaufman County, Texas and the northeast line of a 4.999 acre tract of land conveyed to Morgan Whatley by deed recorded in Volume 4956, Page 209, Deed Records, Kaufman County, Texas, at a distance of 157.25 feet passing a 3/8" iron in found and continuing for a total distance of 1,878.42 feet to a 3/8" iron pin found for corner;

Thence, North 46°42'04" West, along the southwest lines of said 1st Tract and 2nd Tract, the northeast line of a 3.00 acre tract of land conveyed to Elmer Puebla and Aglae L. Martinez by deed recorded in Volume 3724, Page 225, Official Public Records, Kaufman County, Texas, the northeast line of a 2.184 acre tract of land conveyed to Justin W. Potter and Beckey L. Brantley by deed recorded in Volume 4781, Page 13, Official Public Records, Kaufman County, Texas, the northeast line of a 2.00 acre tract of land conveyed to Robert Harlan and Janey Harlan by deed recorded in Volume 705, Page 273, Official Public Records, Kaufman County, Texas, the northeast line of a 5.085 acre tract of land conveyed to James A. Warden and Gena R. Warden by deed recorded in Volume 1363, Page 592, Deed Records, Kaufman County, Texas, the northeast line of a 5 acre tract of land conveyed to C.L. Fritz, et al by deed recorded in Volume 715, Page 410, Deed Records, Kaufman County, Texas and the northeast line of a 4.690 acre tract of land conveyed to Ellen Costa by deed recorded in Volume 3354, Page 133, Official Public Records, Kaufman County, Texas, a distance of 2,580.14 feet to a 1/2" iron pin set with yellow cap stamped "CCG INC RPLS 5129" on the east right-of-way line of State Highway No. 34 (80' R.O.W.) and for the north corner of said 4.690 acre tract;

Thence, North 00°30'02" East, along the east right-of-way line of State Highway No. 34 (80' R.O.W.), a distance of 74.47 feet to a mag nail set with washer on the northwest line of said 2nd Tract and being in the centerline of County Road No. 138 (Wilson Road);

Thence, North 44°24'40" East, along the centerline of County Road No. 138 (Wilson Road), the northwest line of said 2nd Tract, the southeast line of a 0.981 acre tract of land conveyed to Jimmy R. Quick Jr. and Karen Raye Quick by deed recorded in Volume 5338, Page 178, Official Public Records, Kaufman County, Texas, the southeast line of a 0.941 acre tract of land conveyed to Allen G. Taylor and Anthony D. Taylor by deed recorded in Volume 5248, Page 122, Deed Records, Kaufman County, Texas and the southeast line of a 30' R.O.W. dedicated by The Highlands at Oak Ridge, an addition to the City of Oak Ridge, according to the plat thereof recorded in Cabinet 2, Envelope 618, Plat Records, Kaufman County, Texas, a distance of 2,223.02 feet to the Point of Beginning and containing 10,065,337 square feet or 231.068 acres of land.

Exhibit C
Concept Plan