

ORDINANCE 2023-665

AN ORDINANCE OF THE CITY OF KEENE, TEXAS AMENDING CHAPTER 157, "ZONING," OF THE CITY OF KEENE CODE OF ORDINANCES BY REZONING APPROXIMATELY 94.81 ACRES OUT OF THE O.WINTERS SURVEY, ABSTRACT NO. 875 IN THE CITY OF KEENE, JOHNSON COUNTY, TEXAS, FROM C-3 (GENERAL COMMERCIAL AND LIGHT MANUFACTURING) AND AG (AGRICULTURAL) TO A PD (PLANNED DEVELOPMENT) DISTRICT DESIGNATION, SUBJECT TO THE SPECIFIC REQUIREMENTS CONTAINED IN THIS ORDINANCE; APPROVING THE CONCEPTUAL PLAN; CHANGING THE OFFICIAL ZONING MAP; AMENDING THE CITY'S COMPREHENSIVE PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Keene, Texas, is a Home Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has the authority to adopt a zoning ordinance and map regulating the location and use of buildings, other structures, and land for business, industrial, residential and other purposes, and to amend said ordinance and map for promoting the public health, safety, morals and general welfare, all in accordance with a plan; and

WHEREAS, the hereinafter described property is currently zoned C-3 (General Commercial and Light Manufacturing) and AG (Agricultural); and

WHEREAS, a change in the zoning classification of the property was requested by a person or corporation having a proprietary interest in said property; and

WHEREAS, the Keene City Council and the Planning and Zoning Commission of the City of Keene, in compliance with the laws of the State of Texas and the ordinances of the City of Keene, have given the required notices and held the required public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof regarding the requested rezoning; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and any other information and materials received at the public hearing, the City Council of the City of Keene has determined that the change in the zoning of the property is in the best interest of the public health, safety and welfare of the City of Keene.

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

SECTION 1

INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2

ZONING AMENDMENT. That Chapter 157 of the Keene Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City of Keene, as amended, is hereby amended by rezoning the hereinafter described property subject to the permitted uses, regulations, variances, restrictions, and conditions hereinafter set forth in this ordinance:

Being a 94.81 acre tract or parcel of land situated in the O. Winters Survey, Abstract Number 875 in the City of Keene, Johnson County, Texas and being a portion of a called 95.226 acre tract of land (Tract 1) and a portion of a called 0.96 acre tract of land (Tract 2) described in the deed to MKP Development, LLC, a Texas Limited Liability Company, recorded in Document Number 2022-21410 of the Official Records of Johnson County, Texas and being more particularly described by, as shown on the map attached as Exhibit A, and described by metes and bounds description attached as Exhibit B, by changing the zoning of said property from SF-2 (Single Family-2), C-3 (Commercial-3) and AG (Agricultural) to a PD (Planned Development) District designation with permitted uses most similar to SF-3 (Single Family Residential-3).

This property is adjacent to business US-67, directly West of FM 2280. The purpose of this development is to provide a single family detached residential community to the Business US-67 corridor.

The Planned Development commonly known as Sunset Ridge Estates is most similar to the City of Keene's uses as provided by SF-3 (Single Family Residential District-3) and shall be subject to the permitted uses, regulations, restrictions and conditions of SF-3 except for the permitted uses, regulations, variances, restrictions, and conditions hereinafter set forth below in this ordinance:

SUNSET RIDGE ESTATES

PLANNED DEVELOPMENT DISTRICT STANDARDS

1.0 Planned Development District - Single Family Detached Residential/Commercial District

- 1.01 **General Purpose and Description:** The single-family detached residential district with commercial area adjacent to Business Highway 67 is established to provide for a high density single-family residential neighborhood with some commercial, the addition will be developed into a minimum of three hundred and fifty (350) single family homes with commercial frontage. The provisions of this section apply to the area as shown on Exhibit A and Exhibit B, and described by metes and bounds description in Exhibit A and Exhibit B. Requirements for this single-family residential/commercial development shall be governed by standards as described

below.

- 1.02 **Permitted Uses Allowed:** Land uses permitted within the single-family detached residential/commercial district shall be as set forth in Section 157.330 of the Code of Ordinances for SF-3 and C-3 except as follows: zero lot line house; cemetery or mausoleum; college or university; community center, public; community center, private; family home; greenhouse; library; nursery school, kindergarten; stadium or play field, public; concrete, asphalt batching plant (temporary concrete batching plants are allowed only during the construction phase of the PD).

- 1.03 **Development regulations:**
The following regulations apply to single-family lots:

- (a) Lot size: 5,500 square feet minimum
- (b) Front yard setback: 20 feet minimum
- (c) Rear yard setback: 10 feet minimum
- (d) Side yard setback: 5 feet minimum
- (e) Width of side yard adjacent to side street: 15 feet minimum
- (f) Width of lot: 50 feet minimum
- (g) Depth of lot: 110 feet minimum
- (h) Building height: 35 feet maximum
- (i) Living Area: 1,400 square feet minimum

- 1.04 **General yard requirements:** The following general requirements provide additional criteria which apply to yard requirements in the single family detached residential district.

1. General.

- (a) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eave and roof extensions may project into the required front yard.
- (b) Double frontage: Where lots have double frontage, running through from one street to another, a required front yard shall be provided on one street only. The second street frontage shall meet the minimums stated in item 1.05(f) of this ordinance.

- 1.05 **Pavement Standards:**
All streets within the single-family detached residential zoning shall be developed using thirty-one-foot (31') concrete streets with a minimum six-inches (6") in depth of concrete over an approved base constructed in fifty-foot (50') wide right of ways. Streets shall require curb and gutters per the City's standard engineering requirements.

- 1.06 **Water Tapping Fees:**
Water will be provided by JCSUD, and fees will be negotiated through JCSUD.
- 1.07 **Sanitary Sewer Tapping Fees:**
All sanitary sewer tap fees shall not exceed \$375.00 per tap within the planned development.
- 1.08 **Landscaping:** Lots shall have a minimum landscaping requirement of one 2-inch caliper tree planted in the front yard prior to the final inspection of the residential structure.
- 1.09 **Screening:** Gas well site will have masonry permitted wall.
- 1.10 **Exterior Masonry Requirements:**
All residential structures shall be constructed with a minimum of 80% masonry with the remaining non-masonry building material consisting of fire-resistant material to be approved by the City.
- 1.14 **Home Owners Association:** Upon completion of the residential development, the Developer shall establish a home owners association to maintain all common areas within the development of the property.
- 1.15 **Maintenance Bond:** The City of Keene shall require a 2-year maintenance bond for all civil infrastructure improvements but shall accept separate bonds for each maintenance bond item instead of requiring a single maintenance bond for the entire project.
- 1.16 **Electrical:** The developer shall use copper wiring in all single-family residences.
- 1.17 **Entrance Signs:** The developer shall provide a landscaped entrance feature with masonry signs constructed at both entrances along Business Highway 67, the signs will be located open space lots and will be maintained by the HOA.

SECTION 3

AMENDMENT OF ZONING MAP. The official zoning map of the City of Keene shall be amended to reflect the change in zoning made by this Ordinance.

SECTION 4

COMPREHENSIVE PLAN AMENDMENT. That the City's comprehensive plan and accompanying map, as adopted in Section 150.03 of the Keene Code of Ordinances, is hereby amended to reflect the zoning change authorized by this Ordinance, and City staff is hereby directed and authorized to update the City's comprehensive plan and accompanying map to implement the approved changes.

SECTION 5

CUMULATIVE CLAUSE. This ordinance shall be cumulative of all provisions of ordinances of the City of Keene, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Keene's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

SECTION 6

SEVERABILITY CLAUSE. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrase, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7

PENALTY CLAUSE. Any person, firm, association of persons, company, corporation, or their agents, servants or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in V.T.C.A. Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

SECTION 8

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this the 21st day of Dec 2023
2022

Lisa Parrish
Lisa Parrish, Mayor

ATTEST:

Brent Batla
Brent Batla, City Manager

APPROVED AS TO FORM AND LEGALITY:

William P. Chesser
Pat Chesser, City Attorney

