

ORDINANCE NO. 2021-0065-O
(FY-21-5-AMND)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TEMPLE UNIFIED DEVELOPMENT CODE BY: AMENDING SEC 5.1, USE TABLE, BY ADDING NEW USES AND AMENDING EXISTING USES, AS WELL AS AMENDING WHICH ZONING DISTRICTS NEW, CURRENT, AND AMENDED USES WILL ALLOWED IN AND, IF ALLOWED, WHETHER THE USE WILL BE PERMITTED BY RIGHT, PERMITTED BY RIGHT SUBJECT TO LIMITATIONS, OR ALLOWED WITH A CONDITIONAL USE PERMIT; AMENDING SEC. 7.5, OFF STREET PARKING AND LOADING; AND AMENDING SEC. 11.2, DEFINED TERMS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, City Staff has proposed amendments to the Use Table, associated parking requirements and definitions to respond to a variety of recent inquiries - Staff has also proposed other Code “clean up” and common-sense amendments that provide additional clarity and flexibility within the Unified Development Code (UDC) as shown below:

Sec. 5.1 Use Table

- Add the following uses
 - o **Agricultural Sales** – Permitted by Right in the following zoning districts: Ag (Agriculture), GR (General Retail), C (Commercial), LI (Light Industrial) and HI (Heavy Industrial) with the following limitation:
 - Must front on a minor arterial, major arterial or highway
 - o **Assisted Living** – CUP (Conditional Use Permit) in NS (Neighborhood Service), Permitted by Right in GR, and C;
 - o **Data Center (Large)** – CUP in C, Permitted by Right in LI and HI;
 - o **Data Center (Small)** – CUP in GR, Permitted by Right in C, LI and HI;
 - o **Playfield or Stadium** (add “Public” to match Sec. 11.2 Defined Terms); and
 - o **Nursing Home** (remove “Home for the Aged”) – same as *Assisted Living* (CUP in NS, Permitted by Right in GR, and C);
- Add additional zoning districts to an existing use
 - o **Artisan Craft Production and Retail** – Add with a CUP in NS and MU (Mixed Use); Permitted by Right in GR

Sec. 7.5.4.B. Required Parking Ratios

Add Data Center (large) and Data Center (small)

Office/Administrative Area: 1 space per 600 sf GFA or 1 space per 2 employees
whichever is greater

Equipment Area: 1 space per 25,000 sf GFA

Storage or Warehousing: 1 space per 5,000 sf GFA or 1 space per 2 employees whichever is greater (if applicable, would apply per Sec. 7.5.4.B of the Unified Development Code)

- Developments containing more than one use must provide parking and loading spaces proportionately for each land use per the table in Sec. 7.5.4.B.
- Sec. 7.5.5 add
 - o Other parking space designs, such as for compact car spaces with a minimum of 8 feet by 16 feet dimensions, can be submitted and considered by the Director.
- Sec. 7.5.5.A.2. Off-street parking spaces for non-residential and multi-family uses must be designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley, except in the CA (Central Area zoning district). This provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH. The Director has discretion to grant exceptions for requests that demonstrate consistency with public safety best practices and with the City's Comprehensive Plan.
- Sec. 7.5.5.C. All parking areas (required and optional) must be paved with either asphalt or concrete and maintained. Alternate paving materials, such as pervious pavers, can be approved by the Director in consultation with the City Engineer. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.

Sec. 11.2 Defined Terms (new definitions)

Agricultural Sales. An establishment in which the primary use is the sale from the premises of feed, grain, fertilizers, pesticides, and similar goods.

Assisted Living. A facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen, and organized social activities. An assisted living facility may include an adult daycare as an accessory use.

Data Center (Large). A use where digital information is processed, transferred, and/or stored, designed to house 10,000 square feet or more for all primary and accessory structures, where the majority of space is occupied by computers, servers, telecommunications and related equipment (including supporting equipment).

Data Center (Small). A use where digital information is processed, transferred, and/or stored, designed to house less than 10,000 square feet for all primary and accessory structures, where the majority of space is occupied by computers, servers, telecommunications and related equipment (including supporting equipment).

Greenhouse/Nursery (Retail). A small-scale retail greenhouse used to sell or grow flowers, shrubs, trees, and other plants that may include other incidental landscaping-related retail sales.

Greenhouse/Nursery (Wholesale). A large-scale commercial greenhouse used to grow flowers, shrubs, trees, or other plants for the wholesale trade to restaurants, farmer's markets, grocery stores, other off-site markets and may sell landscaping materials in bulk. The business may have incidental retail sales in conjunction with the wholesale sales.

Nursing Home. A facility housing and providing care for persons who are aged, chronically ill, or incurable who are unable to care for themselves, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. Services typically include custodial or attendant care and meals but may or may not provide for routine and regular medical and nursing services. Nursing home includes homes for the aged, convalescent and rest homes, but does not include assisted living or senior apartments or hospitals or similar medical facilities.

Warehouse Office. A business office with an associated small-scale warehouse typically located at the rear of the space for the purposes of storing materials needed to supply service off-site. This use can accommodate trades such as plumbers or electricians, as long as there is no processing, manufacturing, fabrication or outside storage of materials on site.

Whereas, on October 18, 2021 the Planning and Zoning Commission met and reviewed this item and voted 5 to 0 to recommended approval – Staff recommends Council authorize the above stated amendments to the Temple Unified Development Code; 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 authorizes the amendments to the Temple Unified Development Code by: Amending Sec 5.1, Use Table, by adding new uses and amending existing uses, as well as amending which zoning districts new, current, and amended uses will allowed in and, if allowed, whether the use will be permitted by right, permitted by right subject to limitations, or allowed with a conditional use permit; Amending Sec. 7.5, Off Street Parking and Loading; and Amending Sec. 11.2, Defined Terms.

Part 3: All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid 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 is 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 4th day of **November, 2021.**

PASSED AND APPROVED on Second and Final Reading on the 18th day of **November, 2021.**

THE CITY OF TEMPLE, TEXAS

DocuSigned by:


DocuSigned by:
Timothy A. Davis
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TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

DocuSigned by:
Kathryn H. Davis
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Kathryn H. Davis
City Attorney

ATTEST:

DocuSigned by:
Jana Lewellen
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Jana Lewellen
City Secretary