

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #56 RAINEY CREEK FARMS PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 9 day of June A.D. 1994.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 5 day of June, 1994, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 23 day of June, 1994, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 23 day of June, A.D. 1994.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

[Signature]
CITY ATTORNEY

ORDINANCE NO. 28-1994

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance. Site Plan is attached as Exhibit B.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.D. are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO & O (Agricultural Open Space & Office) District to PDMX (Planned Development Mixed Use) District.

That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PART 5: Legal Description. The legal description of this P.D.D. is as follows:

RAINEY CREEK FARMS ADDITION

BEING a 116.48 acres out of the Northwest one-quarter of Section 39, Blind Asylum Lands, Abilene, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at a point in East North 10th Street whence the Northwest corner of Section 39, Blind Asylum Lands bears N 89° 49' 34" W 130.0 feet and from the same beginning point a city of Abilene brass cap bears S 82° 54' 03" W 130.16 feet;

THENCE S 89° 49' 34" E 1451.2 feet along East North 10th Street to a point whence another city of Abilene brass cap bears N 87° 22' 17" E 603.46 feet;

THENCE S 0° 02' E 21.0 feet to a point on the South line of East North 10th Street;

THENCE generally along the centerline of Rainy Creek as follows: S 31° 33' 30" E 78.8 feet, S 18° 25' 30" E 97.0 feet, S 86° 55' 30" E 90.8 feet, S 38° 38' 30" E 57.0 feet, N 70° 55' E 53.9 feet, S 18° 49' 30" E 124.0 feet, S 4° 02' W 255.6 feet, S 22° 4' 30" E 92.1 feet, S 24° 48' W 153.1 feet, S 37° 43' W 100.5 feet, S 35° 31' 30" W 128.9 feet, S 19° 14' W 131.8 feet, S 56° 32' 30" W 156.1 feet, S 30° 21' W 133.0 feet, S 33° 10' W 84.9 feet, S 0° 04' W 177.2 feet, S 26° 16' E 81.5 feet, N 35° 31' E 218.2 feet, S 49° 17' 30" E 133.4 feet, S 24° 57' 30" E 80.5 feet, S 89° 25' E 120.6 feet, S 63° 54' E 122.1 feet, N 60° 00' E 60.0 feet, N 11° 51' E 157.7 feet, S 59° 53' E 109.5 feet, N 69° 29' 30" E 60.6 feet, S 79° 59' 30" E 61.6 feet, S 44° 24' E 124.5 feet, S 0° 42' W 75.9 feet, S 23° 37' 30" W 160.1 feet, S 18° 56' 30" E 124.4 feet, S 46° 03' W 86.8 feet, S 21° 09' E 106.0 feet, S 18° 04' W 148.4 feet, S 20° 35' E 250.0 feet to a point on the West right-of-way line of Loop 322 whence a city of Abilene brass cap bears N 19° 56' 26" E 1573.4 feet;

THENCE S 7° 25' W 157.0 feet to a fence corner post on the West right-of-way line of Loop 322;

THENCE S 89° 15' W 2282.1 feet generally along an old fence to a fence corner post;

THENCE N 0° 02' W 2169.9 feet to a fence corner post on the Southwest corner of a 1.492 acre tract;

THENCE S 89° 49' 34" E 130.0 feet to the Southeast corner of the 1.492 acre tract;

THENCE N 0° 02' W at 500.0 feet past the South line of East North 10th Street and continue on a distance in all of 521.0 feet to the place of beginning and containing 116.48 acres of land of which 0.70 acres lies in a public road leaving a net of 115.78 acres of land.

TRACT 1

BEING 9.41 acres of land out of 116.48 acres out of the Northwest one-quarter of Section 39, Blind Asylum Lands, Abilene, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South right-of-way line of the existing dedication of East-North 10th Street whence the Northwest corner of Section 39, Blind Asylum Lands, bears N 89° 49' 34" W 1100.0 feet and N 0° 02' W 21.0 feet;

THENCE S 89° 49' 34" E 400.00 feet with said South right-of-way line of East-North 10th Street to a point;

THENCE S 0° 02' E 1023.67 feet with the Easterly most line of proposed Lot 1, Block A, Rainey Creek Farms Addition, to a point;

THENCE S 89° 58' W 400.0 feet to a point;
THENCE N 0° 02' W 1025.11 feet to the place of beginning and containing 9.41 acres of land.

TRACT 2

BEING 3.01 acres out of the Southwest part of a 116.48 acre tract out of the Northwest 1/4 of Section 39, Blind Asylum Lands, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at the Southwest corner of this tract; whence the Northwest corner of said Section 39 bears N 88° 40' 13" W 551 feet; N 0° 02' W 1954.2 feet and N 89° 49' 34" W 260 feet;

THENCE N 9° 58' 33" E 314 feet;

THENCE N 88° 30' 10" E 411 feet;

THENCE S 9° 23' 22" W 334 feet;

THENCE N 88° 40' 13" W 411 feet to the place of beginning and containing 3.01 acres.

TRACT 3

The remaining 104.06 acres out of the 116.48 acres of the northwest one-quarter of Section 39, Blind Asylum Lands, as described above.

PART 6: Purpose: The purpose of the Planned Development district request is to allow for quality development of a large tract which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The attached Site Plan (Exhibit "B") indicates the PDD area involved which consists of three tracts. The following is applicable for each tract:

Uses: Tract 1: Office

Tract 2: Residential single family; Bed & Breakfast; office; medical; recreation facilities (indoor and outdoor); animal lots with associated facilities.

Tract 3: Agricultural Open Space activities; residential (to include single family, garden homes, patio homes and townhouses); golf courses; recreation facilities (indoor and outdoor); accessory uses normally allowed or associated with a planned residential development, i.e., community or meeting rooms, laundry facilities, etc. Appropriate development plans will be required at the time of development, i.e., site plans, plats, etc., as required by city codes.

Signage:

Tract 1: One pole/ground sign is allowed per business or activity. Maximum height is 35 feet. Base of the sign must be 8 feet above ground level. Sign face shall not exceed 100 square feet. Sign shall be set back a minimum of 5 feet from E.N. 10th Street property line. One wall sign is allowed per business or activity.

Tract 2: One pole/ground sign is allowed in the immediate vicinity of E.N. 10th Street and the access road to Tract 2. Maximum height, sign face size, base height, and setback shall be as for pole/ground signs specified in Tract 1. One wall sign is allowed per business or activity.

Tract 3: Proposed signs will be per the City's Sign Regulations.

PART 8: Schedule. Construction and development of the Planned Development District established hereby shall begin no later than six (6) months from the effective date of this ordinance. If development does not proceed within this time frame, the Planning and Zoning Commission shall recommend to the City Council that the proposed development be rezoned to its former status.

-END-

General Site Plan

EXHIBIT D

█ = PDD Boundary

Not to Scale

