

ORDINANCE NO. 33-1999

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-67 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 8 day of July A.D. 1999.

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 4 day of July, 1999, 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 22 day of July, 1999, 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 22 day of July, A.D. 1999.

ATTEST:

Sharon Moore
CITY SECRETARY

Grady Barr
MAYOR

APPROVED:

Sharon Hicks
CITY ATTORNEY

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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 attached as Exhibit B.

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 (Agricultural Open Space) District to PDD (Planned Development) 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:

BEING the West 46.90 acres of an original 99 acre tract out of the NE 1/4 of Section 67, Blind Asylum Lands, Taylor County, Texas, said 99 acres being described in Volume 354, Page 353, Deed Records, Taylor County, Texas, said 46.90 acres being more particularly described as follows:

BEGINNING at a recovered 1/2" rebar on the South line of said NE 1/4 at the SW corner of said 99 acre tract, whence a recovered 1/2" rebar at the SW corner of said NE 1/4 bears S89°41'00"W 330.34';

THENCE N0°28'30"W 1884.25' generally with fence on the West line of said 99 acres to a cross tie corner post at the NW corner of said 99 acres;

THENCE N89°16'00"E 1083.00' to a point on the North line of said 99 acre tract;

THENCE S0°28'35"E 1888.65' to a point on the South line of said 99 acre tract and said NE 1/4;

THENCE West 1083.00' with the South line of said 99 acre tract and said NE 1/4 to the place of beginning and containing 46.90 acres of land.

NOTE: This description prepared from records and not surveyed on the ground this date, June 14, 1999.

Location:

Southeast of Industrial Boulevard and Loop 322

PART 6: Purpose: The purpose of the Planned Development district request is to allow for quality development of a large tract for residential single and multi-family development and related activities, as well as a community center and childcare facilities which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District:

- a. This PDD is to be developed as depicted on the attached sketch (Exhibit B). Any variation from Exhibit B will require amendment to this ordinance.

Use and development of the land shall be restricted to the following:

1. Permitted Uses

- Single family residential
- Multi-family residential (maximum density 40 units per acre)
- Community Center (the following uses allowed in community center complex)
 - Conference facilities
 - Swimming Pool
 - Fitness Center
 - Childcare facility
 - Barber/Beauty Shop
- Childcare Center
- Park (with playground amenities)

2. Setback Requirements and Bulk Restrictions

- Single family residential
 - 20' minimum front
 - 20' minimum rear
 - 5' minimum sides
- RS-6 standards for minimum lot size, depth, width, and maximum lot coverage
- Accessory buildings to follow standard setbacks and be allowed to cover a maximum of ten (10) percent of lot.
- Multi-family residential
 - 25' minimum front
 - 20' minimum rear
 - 10' minimum sides
- RS-6 standards for minimum lot size, depth, and width
- Maximum residential density of 40 units per acre

Community Center and Childcare Center
25' minimum front
10' minimum rear
10' minimum sides

Lots that are two acres or greater shall be allowed to follow the AO zoning district regulations for animals.

- b. Signage: The following shall govern signage for the PDD.

All signs must be located out of the street right-of-way. Instructional (directional) signs as defined and regulated in City of Abilene Sign Regulations allowed as needed. Illumination and motion prohibited. Where monument signs are allowed, the maximum height shall be 3-1/2 feet and a maximum area of 40 square feet. No pole signs or portable signs allowed in the PDD.

Multi-family

A total of two monument signs allowed and two wall signs for multi-family development

Community Center and Childcare Center

Each structure shall be limited to no more than two wall signs that cover a maximum of twenty (20) percent of the wall on which the sign(s) are located.

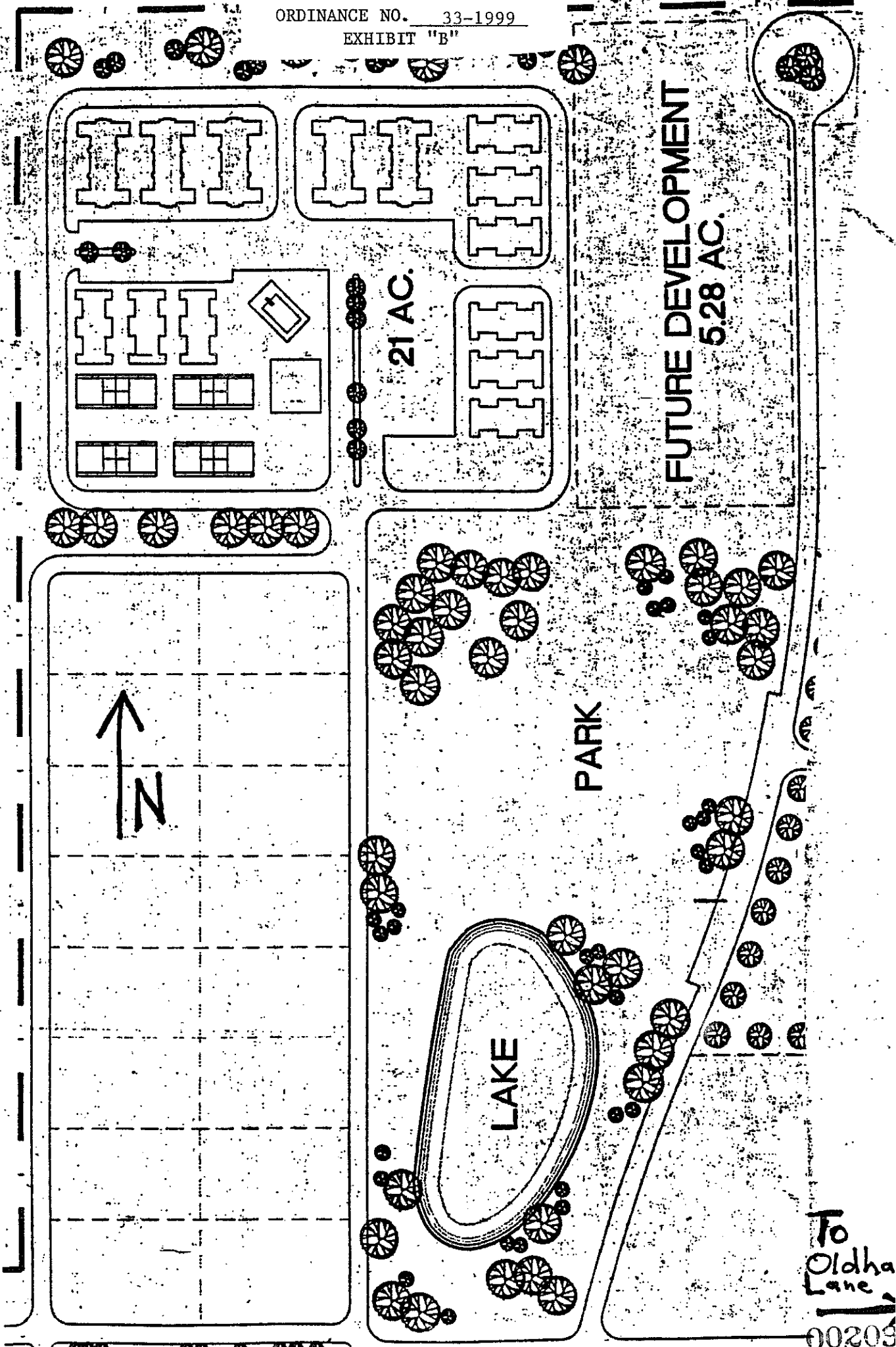
Park Area

One monument sign allowed

PART 8: Development Schedule.

Subdivision of the PDD and the issuing of a building permit must be completed within five (5) years of the passage of this ordinance. Failure to do so will result in the Planning Director initiating rezoning of the entire PDD back to AO.

-END-



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