

ORDINANCE NO. 34-2004

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-94 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 21st day of October, 2004 A.D.
2004.


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 19th day of October, 2004, 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 8:30 a.m., on the 4th day of November, 2004, 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 4 day of November, A.D.
2004.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



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. 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 RS-6 (Residential Single Family) District to PDD (Planned Development District) 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 PDD is as follows:

Beginning at the Southwest corner of the Tate Subdivision (Plat recorded in plat records of Taylor County Texas at Book 1, Plat 765 and Field Notes recorded in the Field Notes records of Taylor County, Texas Book 16, Page 90) which is the Southeast corner of this tract, from thence the SW Corner of the SE/4 of Section 48 , Blind Asylum Lands bears West 828.5 feet,

Thence South $88^{\circ}57'$ West along the north boundary line of Berry Lane 145' to the Southwest corner of this tract;

Thence North along the east boundary line of Lytle Acres Drive 250 feet to the Northwest corner of this tract;

Thence North $88^{\circ}57'E$ 145 feet to the Northeast corner of this tract.;

Thence South 250 feet to the Place of Beginning. This tract contains .83 Acres of land, more or less.

Location: 1541 Lytle Acres Drive

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for residential development and related activities of a tract located at 1541 Lytle Acres Drive.

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

Permitted Uses:

- A licensed small Assisted Living Facility having a minimum of 12 beds and a maximum of 16 beds
- Accessory office space
- A maximum of one primary structure including all residential and office uses

Setbacks:

- Front (Lytle Acres Drive): 20 feet
- Exterior Side (Berry Lane) 20 feet
- Interior Side: 15 feet
- Rear: 15 feet

Maximum Structure Height:

- A single story structure

Parking:

- Parking shall be provided for employees, residents, and visitors to the facility
- At least 8 parking spaces shall be provided
- Parking shall only occur within property lines
- Any parking lots along the north property line shall be set back a minimum of 5 feet from the property line

Landscaping and Buffers:

- The parkways shall remain landscaped.
- Additional landscaping (hedgerows, shrubs, or bushes) shall be provided within the parkway areas.
- Landscaping adjacent to the facility shall be provided to soften the appearance of the façade of the structure.
- Landscaping shall be installed to soften or buffer the parking lots from the street and from the adjacent property to the north.
- Xeriscape principles shall be utilized.

Signage:

- No signs identifying the facility shall be permitted on the site, with the exception of wall signage.
- Wall signage shall be permitted but may not exceed 5% of the total surface area on which they are placed.
- Wall signage shall be permitted on one wall of the facility only.

Sidewalks:

- Sidewalks shall be installed adjacent to the property line along Lytle Acres Drive and Berry Lane

PART 8: Development Schedule. If a building permit for an assisted living facility is not obtained within 12 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to RS-6 (Residential Single-Family).

-END-