

ORDINANCE NO. 41-2005

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-84 A 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 28th day of July A.D. 2005.

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 20th day of July, 2005, 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 11th day of August, 2005, 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 11th day of August, A.D. 2005

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

ORDINANCE NO.

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 GC (General Commercial) and RS-6 (Single-family residential) 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 PDD is as follows:

The legal description being 6.67 acres from Lot 3, less the west 56' of the north 105', Outlot 3; Lot 2 and the remainder of Lot 1, Outlot 2; Lot 101 replat Block 1, out of Outlot 1, Fair Park Addition; The east 144' of the south 175' of Lot 1, Outlot 2; the east 132' of Lot 2, Outlot 2, Fair Park Acres Addition, Abilene, Taylor County, Texas.

Location:

2600-2700 block of S. 7th Street

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for development a tract, 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:

PDD shall develop as delineated on the attached site plan, Exhibit A.

PERMITTED USES:

- Multi-family residential
- Single-family residential
- Clubhouses
- Gazebo

SETBACKS: 30 feet from the southern PDD boundary, 25 feet from the northern PDD boundary, 10 feet from the property line running parallel to Catclaw Creek, and 10 feet from the property line adjacent to the north-south alley.

MAXIMUM BUILDING HEIGHT: 2 stories

LANDSCAPING: A minimum 15' landscaped strip shall be maintained along the southern boundary of the PDD. Landscaping shall consist of xeriscape materials and shall be designed and maintained according to xeriscape principles. Landscaping may include the use of berming, trees, shrubs, bushes, or other similar means.

Landscaping requirements and design shall be negotiated between the developer and City staff during site plan review. In the event that the parties are unable to agree upon said requirements or design, the developer may file an application to amend this PDD to resolve the outstanding issues.

SIDEWALKS: Sidewalks shall be required in the public right-of-way along the South 7th Street frontage.

PRIVACY FENCE: A privacy fence, minimum 6 feet tall, must be constructed and perpetually maintained along the eastern PDD boundary, along the alleyway. Fencing shall be constructed of wood or masonry materials. Wrought iron fencing would be permitted in areas that do not directly abut residences.

ENTRYWAY SIGNAGE:

- Free Standing Signs: Monument signs only, not to exceed 6 feet in height and 100 square feet in area.
- Prohibited Signs:
 - Portable signs
 - Off-site Advertising

PARKING REQUIREMENTS:

The parking requirements shall be 1.25 spaces per unit, plus 10.

DRIVEWAYS/ACCESS:

- All driveways must be at least 25 feet from alleyways.

STORAGE/DISPLAY:

No freight containers shall be allowed.

PART 8: Development Schedule. If a building permit for one or more structures is not approved within 2 years of the date of this ordinance, the Planning Director shall initiate rezoning of the PDD to General Commercial (GC) and single-family residential (RS-6).

-END-

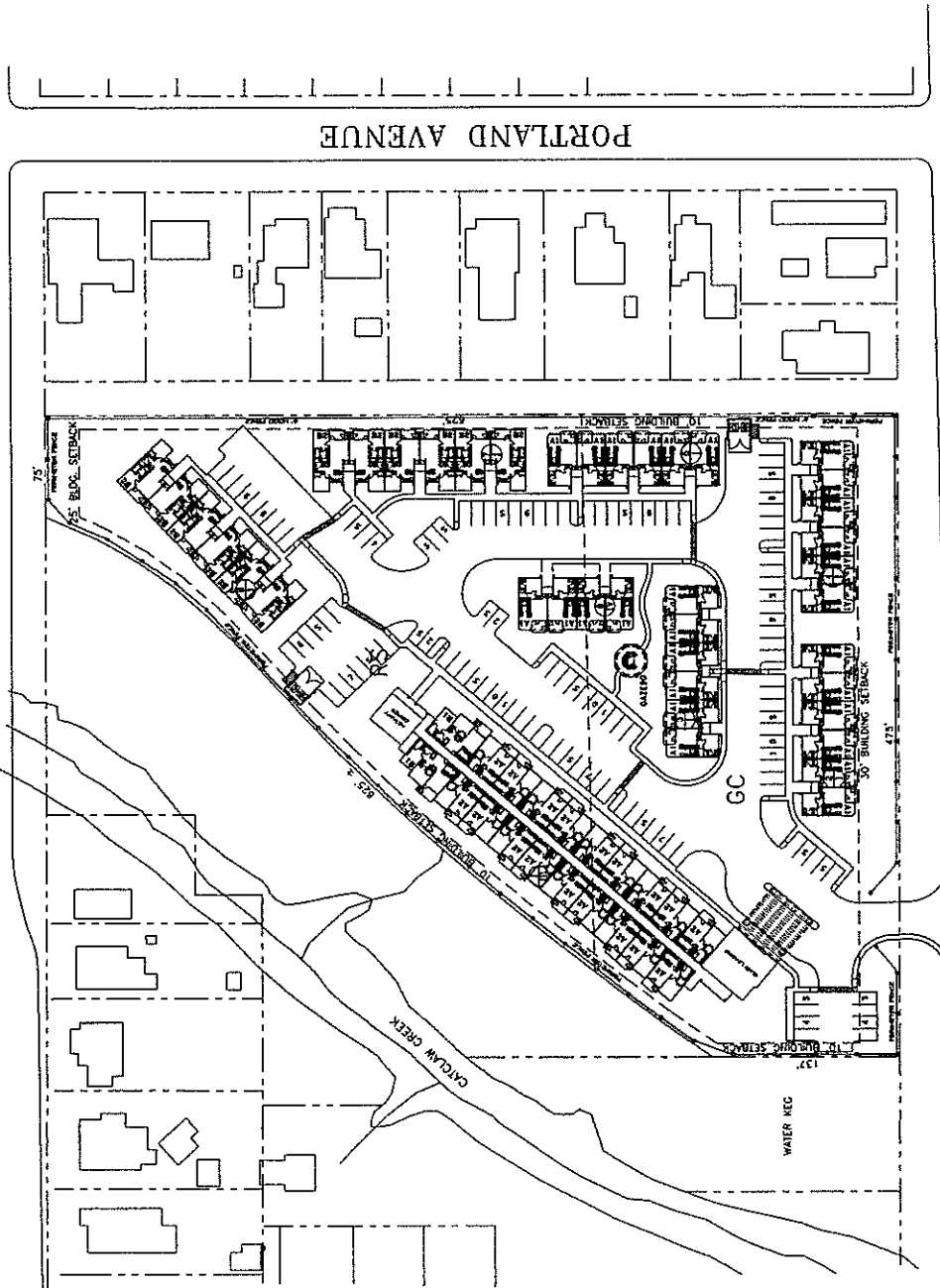
EXHIBIT 'B'

01/29/04

SITE PLAN
1940

ARBORS AT ROSE PARK
ABILENE, TEXAS

SOUTH 5th STREET



SOUTH 7th STREET

ROSE PARK

Chiles Architects, Inc.

THIS SITE PLAN BASE HAS DRAWN BY THE ARCHITECT FROM
NETS & BOARDINGS PROVIDED TO THE ARCHITECT, BY THE OWNER.
AN ELECTRONIC VERSION OF SAVES FILES FROM THE ENGINEER
FOR THE PROJECT. ANY CONSTRUCTION DOCUMENTS WILL BE ISSUED
BEFORE ANY CONSTRUCTION DOCUMENTS WILL BE ISSUED.