

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-123 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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 20th day of December A.D. 2007.

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 15th day of November, 2007, 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 10th day of January, 2008 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 10th day of January, A.D. 2008.

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 AO (Agricultural Open Space) 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:

Being 122.48 acres of land containing Block A, of the Big Sky Ranch Subdivision (recorded in Plat Cabinet 1, Slide 30, Plat Records, Taylor County, Texas) and said 122.48 acre tract also contains a 75 acre tract (recorded in Volume 3384, Page 896, Official Public records of Taylor County, Texas) and all of the above tracts being out of the Southeast Quarter Survey 39, Blind Asylum Lands, Taylor County, Texas. Said 122.48 acre tract being more particularly described as follows:

Beginning at a found ½" metal pipe at the Northeast corner of said Block A whence the Southeast corner of said Section 39 is recorded to bear South 2644' and East 1239';

THENCE S89°55'19"E 1238.79' to the Northeast corner of said 75 acre tract whence a 4.5" pipe corner post bears N89°55'19"W 0.67';

THENCE S00°14'56"W 2643.30 to the Southeast corner of said 75 acre tract on the North Line of Newman Road whence a 4.5" pipe post bears West 0.79';

THENCE West 1123.51' along the South line of said 75 acre tract to a point in the North Line of East Highway 80;

THENCE N77°53'35"W 112.4' along the North Line U.S. Highway 80 to the Southeast Corner of a tract of land recorded in Volume 570, Page 601, Deed Records of Taylor County, Texas;

THENCE N00°08'00"E 643.59' to the Northeast Corner of said tract of land recorded in Volume 570, Page 601, Deed Records of Taylor County, Texas, at the most Easterly Southeast Corner of said Block A;

THENCE S89°54'W 362.53' to point in creek\lake at an interior corner of said Block A at the Northwest corner of said tract of land recorded in Volume 570, Page 601, Deed Records of Taylor County, Texas,

THENCE along the East, South, and West line of said Block A as follows;

-S22°13'41"E 524.74' to a 4.5" pipe post;

-S07°12'16"E 126.76' to a 4.5" pipe post on the North Line of U.S. Highway 80 East;

-N77°53'29"W 159.22' along the North line of U.S. Highway 80 to a Found ½" Metal Rebar;

-N22°27'25"W 537.16' to a point;

-N22°25'06"W 398.40' to a found ½" Metal Rebar;

-S87°06'54"W 106.87' to a a found ½" Metal Rebar;

-N02°20'47"W 892.79' to a found ½" metal rebar for an interior corner.

-N89°46'29"W 545.51' to a found ½" metal rebar for corner;

-N00°06'04"E 353.86' to a found cotton spindle for an interior corner.

-N89°39'43"W 165.30' to a found cotton spindle on the East line of Loop 322 (230' right-of-way, Volume 704, Page 189, Deed Records, Taylor County, Texas) for corner and being on a curve to the right;

THENCE with said the East line of said Loop322 and with curve to the right having a radius of 3704.83', a chord bearing N04°33'27"E 24.04' an arc distance of 24.04' to a found ½" metal rebar for corner;

THENCE S89°39'51"E 163.53' to a found ½" metal rebar for an interior corner of this tract;

THENCE N00°14'08"E 425.17' to a found ½" metal rebar at the Northwest corner of said Block A, for the Northwest corner of this tract;

THENCE East with the North line of said Block A 1351.81' (reference bearing for this survey) to the point of beginning and containing 122.48 acres of land.

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial development and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The standards of the Agricultural Open Space district shall apply throughout this Planned Development District, except as modified by the following:

A. Permitted Uses:

Tract 1: See Exhibit "B"

1. General office space.
2. Hotel/Motel
3. Restaurant Standard and Fast-Food
4. Variety Store
5. Amusement facility (temporary)
6. Arcade, for games
7. Single Family Detached Dwelling
8. Vacation travel trailer parks.
9. Camp, for groups or organizations
10. Drive-in movies

Tract 2: See Exhibit "B"

1. Vacation travel trailer parks.
2. Camp, for groups or organizations
3. Drive-in movies
4. Indoor/Outdoor shooting range(SE)
5. Hotel/Motel
6. Single Family Detached Dwelling

B. Outdoor Storage:

1. Outdoor storage is prohibited with the exception of the following:
 - a. Items or materials may be stored outdoors if effectively screened from view of any public right-of-way. Screening may be achieved by use of masonry, wood, natural vegetation, plastic or metal materials that appear as masonry or wood, or any combination thereof.
2. Freight containers are prohibited.

C. Signage:

1. Free-standing signs shall comply with the following:
 - a. One pole-sign with a maximum height of 35 feet and a maximum area of 200 square feet is allowed on the site.
 - b. One free-standing sign per business, per street frontage (this does not include any necessary directional or instructive signage) shall be allowed on-site.
 - c. Other than the single pole sign allowed in a., above, free-standing signs shall be monument signs with a maximum height of 10 feet and a maximum area of 100 square feet. Such signs shall be designed with masonry and/or designed in a manner consistent with the materials used on the building housing the use being identified.
2. Wall Signs shall not exceed 10% of the area of the wall on which the signage is located. In no case shall wall signage exceed 200 square feet in area.
3. Prohibited Signs: Portable signs shall be prohibited.

PART 8: Development Schedule. If a subdivision plat for all or a portion of this PDD is not approved within 24 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the zoning districts as they existed prior to the date of this ordinance.

-END-

Exhibit "B"

